



CITY OF COMBES
POLICE DEPARTMENT

2023

RACIAL PROFILING REPORT AND
STATISTICAL ANALYSIS

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Executive Summary

Article 2.132 (7) of the Texas Code of Criminal Procedure requires the annual reporting to the local governing body of data collected on the race or ethnicity of individuals stopped and issued citations or arrested for traffic violations and whether or not those individuals were searched. Since the law only requires a minimal comparative analysis, the Combes Police Department conducted the required analysis and this review to assist the City Commissioners in studying the data.

The analysis of material and data from the Combes Police Department revealed the following:

- **A COMPREHENSIVE REVIEW OF THE COMBES POLICE DEPARTMENT REGULATIONS, SPECIFICALLY THE STANDARD OPERATING PROCEDURE TITLED “RACIAL PROFILING POLICY” DATED JANUARY 14, 2002, AND REVISED OCTOBER 28, 2013, OUTLINING THE DEPARTMENT’S POLICY CONCERNING RACIAL PROFILING, SHOWS THAT THE COMBES POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH ARTICLE 2.132 OF THE TEXAS CODE OF CRIMINAL PROCEDURE.**
- **A REVIEW OF THE INFORMATION PRESENTED AND SUPPORTING DOCUMENTATION REVEALS THAT THE COMBES POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH TEXAS LAW ON TRAINING AND EDUCATION REGARDING RACIAL PROFILING.**
- **A REVIEW OF THE DOCUMENTATION PRODUCED BY THE DEPARTMENT IN PRINT AND ELECTRONIC FORM REVEALS THAT THE DEPARTMENT IS IN COMPLIANCE WITH APPLICABLE TEXAS LAW ON THE RACIAL PROFILING COMPLAINT PROCESS, ALTHOUGH PUBLIC EDUCATION ABOUT THE COMPLAINT PROCESS SHOULD BE IMPROVED.**
- **ANALYSIS OF THE DATA REVEALS THAT THE DEPARTMENT IS IN COMPLIANCE WITH APPLICABLE TEXAS LAW ON THE COLLECTION OF RACIAL PROFILING DATA.**
- **THE ANALYSIS OF STATISTICAL INFORMATION FROM THE COMBES POLICE DEPARTMENT REVEALS THAT THERE ARE NO METHODOLOGICALLY CONCLUSIVE INDICATIONS OF SYSTEMIC RACIAL PROFILING BY THE DEPARTMENT.**
- **THE COMBES POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW CONCERNING THE PROHIBITION OF RACIAL PROFILING.**

Introduction

This report details an analysis of the Combes Police Department's policies, training, and statistical information on racial profiling for the year 2023. This report has been prepared to specifically comply with Article 2.132 of the Texas Code of Criminal Procedure (CCP) regarding the compilation and analysis of racial profiling data. Specifically, the analysis will address Articles 2.131 - 2.134 of the CCP and determine the level of compliance with those articles by the Combes Police Department in 2023. The full copies of the applicable laws and regulations pertaining to this report are in Appendix B.

This report is divided into five analytical sections: Combes Police Department's policy on racial profiling; Combes Police Department's training and education on racial profiling; Combes Police Department's complaint process and public education on racial profiling; analysis of statistical data on racial profiling; and an analysis of Combes Police Department's compliance with applicable laws on racial profiling.

For the purposes of this report and analysis, the following definition of racial profiling is used: racial profiling means a law enforcement-initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity (Texas CCP Article 3.05).

Combes Police Department Policy on Racial Profiling

A review of the Combes Police Department Standard Operating Procedure titled Racial Profiling Policy (with cameras) revealed that the department adopted policies to comply with Article 2.132 of the Texas CCP (see Appendix C). A law enforcement agency must address seven specific requirements mandated by Article 2.132. All seven are covered in the department's standard operating procedure. Combes Police Department regulations provide clear direction that any form of racial profiling is prohibited and that officers found engaging in inappropriate profiling may be disciplined up to and including termination. The regulations also provide an unambiguous statement of the agency's philosophy regarding the equal treatment of all persons regardless of race or ethnicity.

A COMPREHENSIVE REVIEW OF THE COMBES POLICE DEPARTMENT STANDARD OPERATING PROCEDURE SHOWS THE COMBES POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH ARTICLE 2.132 OF THE TEXAS CODE OF CRIMINAL PROCEDURE.

Combes Police Department Training and Education on Racial Profiling

Texas Occupation Code § 1701.253 and § 1701.402 require that a curriculum be established and training certificates issued on racial profiling for all Texas Peace Officers. The Combes Police Department maintains documentation that reveals that all officers received racial profiling training and certification.

A REVIEW OF THIS DOCUMENTATION REVEALS THAT THE COMBES POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH TEXAS LAW ON TRAINING AND EDUCATION REGARDING RACIAL PROFILING.

Combes Police Department Complaint Process and Public Education on Racial Profiling

Article 2.312 §(b)3-4 of the Texas Code of Criminal Procedure requires law enforcement agencies to implement a complaint process on racial profiling and provide public education on the complaint process. The Combes Police Department Standard Operating Procedure, Complainant Investigation Section, and Public Education Section cover this requirement. Filing a complaint is an option for the public, although public education on the complaint process is limited and should be improved to provide a detailed account of the complaint process.

A REVIEW OF THE COMPLAINT PROCESS AND PUBLIC EDUCATION REVEALS THAT THE COMBES POLICE DEPARTMENT IS IN COMPLIANCE WITH TEXAS LAW ON THE RACIAL PROFILING COMPLAINT PROCESS. STILL, PUBLIC EDUCATION MUST BE IMPROVED TO MEET STATE MANDATES FULLY. EDUCATION ON THE COMPLAINT PROCESS WAS FOUND IN PRINT AND ELECTRONIC FORM; HOWEVER, THIS INFORMATION IS ONLY AVAILABLE IN ENGLISH.

Combes Police Department Statistical Data on Racial Profiling

Article 2.132(b)(6) requires that law enforcement agencies collect statistical information on traffic stops in which a warning or citation is issued and arrests with specific information on the race of the person cited. In addition, information concerning searches of persons and whether or not the search was based on consent is also required to be collected. Combes Police Department submitted statistical information on all citations issued in 2023 and accompanying information on the race of the person cited. Accompanying this data was the relevant information on searches.

ANALYSIS OF THE DATA REVEALS THAT THE DEPARTMENT IS IN COMPLIANCE WITH APPLICABLE TEXAS LAW ON THE COLLECTION OF RACIAL PROFILING DATA.

Analysis of the Data

The total number of motor vehicle stops where enforcement action was taken in 2023 was 3,111. The locations of these vehicle stops include city streets, U.S. highway, State highway, county road, private property, or other unspecified locations. In 100% of the vehicle stops, race or ethnicity was not known prior to the stop. Of the 3,111 vehicle stops conducted, six (0.19%) were Alaska Native/American Indians, three (0.10%) Asian/Pacific Islander, 20 (0.64%) Black, 323 (10.38%) White, and 2,759 (88.69%) were Hispanic. There were 1,128 females stopped compared to 1,982 males. There were 60 searches conducted of eight White (13.33%), and 52 (86.67%) Hispanic persons.

Three thousand and fifty-one (98.07%) of vehicles/persons were not searched during vehicle stops. The number of persons that consented to a search was 15; 44 were probable cause searches, and one search was incident to arrest. Contraband was found 51 times during the 60 searches conducted, and drugs were the most common contraband discovered.

The data also revealed one (100.00%) incident of physical force resulting in bodily injury to both the suspect and officer used during a vehicle stop, and no racial profiling complaints were filed in 2023. The racial profiling comparative analysis in Appendix A provides detailed data for review.

Combes Police Department's compliance with applicable laws on racial profiling

The Combes Police Department is currently in compliance with all applicable laws of Article 2.132 of the Texas Code of Criminal Procedure.

Conclusion

After a comprehensive review of the Combes Police Department's policy, employee training and education, complainant and public education procedure, and statistical data, it is found that the police department is in full compliance with the current racial profiling law. Statistical data of the motor vehicle stops and searches conducted does not reveal or indicate any systematic racial profiling by the department. The department received no complaints of racial profiling in 2023. The department has submitted the required data to TCOLE under complete reporting requirements.

On January 20, 2023, the data for this comparative analysis was compiled. The information was collected using Brazos eCitation to record fourteen data points to comply with Art. 2.134 of the Texas Code of Criminal Procedure.

Racial Profiling Report

Agency Name: COMBES POLICE DEPT.
Reporting Date: 02/20/2024
TCOLE Agency Number: 061203

Chief Administrator: PATRICK M. QUILL

Agency Contact Information:
Phone: (956) 425-7131
Email: pquill@combespolice.com

Mailing Address:
21626 Hand Road
Building A
COMBES, TX 78535

This Agency filed a full report

COMBES POLICE DEPT. has adopted a detailed written policy on racial profiling. Our policy:

- 1) clearly defines acts constituting racial profiling;
- 2) strictly prohibits peace officers employed by the COMBES POLICE DEPT. from engaging in racial profiling;
- 3) implements a process by which an individual may file a complaint with the COMBES POLICE DEPT. if the individual believes that a peace officer employed by the COMBES POLICE DEPT. has engaged in racial profiling with respect to the individual;
- 4) provides public education relating to the agency's complaint process;
- 5) requires appropriate corrective action to be taken against a peace officer employed by the COMBES POLICE DEPT. who, after an investigation, is shown to have engaged in racial profiling in violation of the COMBES POLICE DEPT. policy;
- 6) requires the collection of information relating to motor vehicle stops in which a warning or 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;
- c. whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual;
- d. whether the peace officer used physical force that resulted in bodily injury during the stop;
- e. the location of the stop;
- f. the reason for the stop.

7) requires 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; and
- b. the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

The COMBES POLICE DEPT. has satisfied the statutory data audit requirements as prescribed in Article 2.133(c), Code of Criminal Procedure, during the reporting period.

Executed by:
PATRICK M.
QUILL
Chief of Police

Date: 02/20/2024

2023 Racial Profiling Comparative Analysis

01. Total Traffic Stops: 3,111 = 100%

02. Gender – CCP 2.133(B)(1)(A)

Female: 1,128

- Alaska Native/American Indian: 0 = 0.00%
- Asian/Pacific Islander: 1 = 0.09%
- Black: 6 = 0.53%
- White: 113 = 10.02%
- Hispanic/Latino: 1,008 = 89.36%

Total: 1,128 of 3,111 = 36.26%

Male: 1,982

- Alaska Native/American Indian: 6 = 0.30%
- Asian/Pacific Islander: 2 = 0.10%
- Black: 14 = 0.71%
- White: 209 = 10.54%
- Hispanic/Latino: 1,751 = 88.35%

Total: 1,982 of 3,111 = 63.74%

03. Race or Ethnicity – CCP 2.132(A)(3), 2.132(B)(6)(A), 2.133(B)(6)(C)

- Alaska Native/American Indian: 6 = 0.19%
- Asian/Pacific Islander: 3 = 0.10%
- Black: 20 = 0.64%
- White: 323 = 10.38%
- Hispanic/Latino: 2,759 = 88.69%

Total: 3,111 = 100%

04. Was Race or Ethnicity Known Prior to Stop? – CCP 2.132(B)(6)(C)

- Yes: 0 = 0.00%
- No: 3,111 = 100.00%

Total: 3,111 = 100%

05. Reason for Stop? – CCP 2.132(B)(6)(F), 2.133(B)(2)

Violation of Law: 26

- Alaska Native/American Indian: 0 = 0.00%
- Asian/Pacific Islander: 0 = 0.00%
- Black: 0 = 0.00%
- White: 3 = 11.54%
- Hispanic/Latino: 23 = 88.46%

Total: 26 of 3,111 = 0.84%

Preexisting Knowledge: 7

- Alaska Native/American Indian: 0 = 0.00%
- Asian/Pacific Islander: 0 = 0.00%
- Black: 0 = 0.00%
- White: 0 = 0.00%
- Hispanic/Latino: 7 = 100.00%

Total: 7 of 3,111 = 0.23%

Moving Traffic Violation: 2,708

- Alaska Native/American Indian: 4 = 0.15%
- Asian/Pacific Islander: 3 = 0.11%
- Black: 17 = 0.63%
- White: 301 = 11.12%
- Hispanic/Latino: 2,382 = 87.96%

Total: 2,708 of 3,111 = 87.05%

Vehicle Traffic Violation: 370

- Alaska Native/American Indian: 2 = 0.54%
- Asian/Pacific Islander: 0 = 0.00%
- Black: 3 = 0.81%
- White: 18 = 4.86%
- Hispanic/Latino: 347 = 93.78%

Total: 370 of 3,111 = 11.88%

06. Was Search Conducted? – CCP 2.132(b)(6)(B), 2.133(b)(3)

Yes: 60

- Alaska Native/American Indian: 0 = 0.00%
- Asian/Pacific Islander: 0 = 0.00%
- Black: 0 = 0.00%
- White: 8 = 13.33%
- Hispanic/Latino: 52 = 86.67%

Total: 60 of 3,111 = 1.93%

No: 3,051

- Alaska Native/American Indian: 6 = 0.20%
- Asian/Pacific Islander: 3 = 0.10%
- Black: 20 = 0.66%
- White: 314 = 10.29%
- Hispanic/Latino: 2,707 = 88.75%

Total: 3,051 of 3,111 = 98.07%

07. Reason For Search? – CCP 2.132(b)(6)(B), 2.133(b)(3)

Consent: 15 CCP 2.132(b)(6)(B), 2.133(b)(3)

- Alaska Native/American Indian: 0 = 0.00%
- Asian/Pacific Islander: 0 = 0.00%
- Black: 0 = 0.00%
- White: 4 = 26.67%
- Hispanic/Latino: 11 = 73.33%

Total: 15 of 60 = 25.00%

Probable Cause: 44 CCP 2.133(b)(5)(B)

- Alaska Native/American Indian: 0 = 0.00%
- Asian/Pacific Islander: 0 = 0.00%
- Black: 0 = 0.00%
- White: 4 = 9.09%
- Hispanic/Latino: 40 = 90.91%

Total: 44 of 60 = 73.33%

Incident to Arrest: 1 CCP 2.133(b)(5)(C)

- Alaska Native/American Indian: 0 = 0.00%
- Asian/Pacific Islander: 0 = 0.00%
- Black: 0 = 0.00%
- White: 0 = 0.00%
- Hispanic/Latino: 1 = 100.00%

Total: 1 of 60 = 4.67%

No Search: 3,051

- Alaska Native/American Indian: 6 = 0.20%
- Asian/Pacific Islander: 3 = 0.10%
- Black: 20 = 0.66%
- White: 314 = 10.29%
- Hispanic/Latino: 2,707 = 88.73%

Total: 3,051 of 3,111 = 98.07%

Was Contraband Discovered? – CCP 2.133(B)(4)

Yes: 51

- Alaska Native/American Indian: 0 = 0.00%
- Asian/Pacific Islander: 0 = 0.00%
- Black: 0 = 0.00%
- White: 7 = 13.73%
- Hispanic/Latino: 44 = 86.27%

Total: 51 of 60 = 85.00%

No: 9

- Alaska Native/American Indian: 0 = 0.00%
- Asian/Pacific Islander: 0 = 0.00%
- Black: 0 = 0.00%
- White: 1 = 11.11%
- Hispanic/Latino: 8 = 88.89%

Total: 9 of 60 = 15.00%

09. Description of Contraband – CCP 2.133(B)(4)

Drugs: 41

- Alaska Native/American Indian: 0 = 0.00%
- Asian/Pacific Islander: 0 = 0.00%
- Black: 0 = 0.00%
- White: 7 = 17.07%
- Hispanic/Latino: 34 = 82.93%

Total: 41 of 51 = 80.40%

Weapons 5

- Alaska Native/American Indian: 0 = 0.00%
- Asian/Pacific Islander: 0 = 0.00%
- Black: 1 = 0.00%
- White: 0 = 0.00%
- Hispanic/Latino: 4 = 100.00%

Total: 5 of 51 = 9.80%

Alcohol 0

- Alaska Native/American Indian: 0 = 0.00%
- Asian/Pacific Islander: 0 = 0.00%
- Black: 0 = 0.00%
- White: 0 = 0.00%
- Hispanic/Latino: 0 = 0.00%

Total: 0 of 51 = 0.00%

Other 5

- Alaska Native/American Indian: 0 = 0.00%
- Asian/Pacific Islander: 0 = 0.00%
- Black: 0 = 0.00%
- White: 2 = 22.22%
- Hispanic/Latino: 7 = 77.78%

Total: 5 of 51 = 9.80%

10.0 Result of Stop

Written Warning 1,372

- Alaska Native/American Indian: 2 = 0.15%
- Asian/Pacific Islander: 0 = 0%
- Black: 17 = 1.24%
- White: 140 = 80.44%
- Hispanic/Latino: 1,213 = 88.41%

Total: 1,372 of 3,111 = 44.10%

Citation 1,708

- Alaska Native/American Indian: 4 = 0.23%
- Asian/Pacific Islander: 3 = 0.18%
- Black: 3 = 0.18%
- White: 177 = 10.36%
- Hispanic/Latino: 1,520 = 88.89%

Total: 1,708 of 3,111 = 54.90%

Written Warning and Arrest: 10

- Alaska Native/American Indian: 0 = 0.00%
- Asian/Pacific Islander: 0 = 0.00%
- Black: 0 = 0.00%
- White: 2 = 20.00%
- Hispanic/Latino: 8 = 80.00%

Total: 10 of 3,111 = 0.32%

Citation and Arrest: 21

- Alaska Native/American Indian: 0 = 0.00%
- Asian/Pacific Islander: 0 = 0.00%
- Black: 0 = 0.00%
- White: 3 = 14.29%
- Hispanic/Latino: 18 = 85.71%

Total: 21 of 3,111 = 0.68%

11.0 Arrest Based on – CCP 2.133(b)(6)

Violation of Penal Code 19

- Alaska Native/American Indian: 0 = 0.00%
- Asian/Pacific Islander: 0 = 0.00%
- Black: 0 = 0.00%
- White: 5 = 26.32%
- Hispanic/Latino: 14 = 73.68%

Total: 19 of 31 = 61.29%

Violation of Traffic Law 0

- Alaska Native/American Indian: 0 = 0.00%
- Asian/Pacific Islander: 0 = 0.00%
- Black: 0 = 0.00%
- White: 0 = 0.00%

- Hispanic/Latino: 0 = 0.00%

Total: 0 of 0 = 0.00%

Violation of City Ordinance 0

- Alaska Native/American Indian: 0 = 0%
- Asian/Pacific Islander: 0 = 0%
- Black: 0 = 0%
- White: 0 = 0%
- Hispanic/Latino: 0 = 0%

Total: 0 of 0 = 0%

Outstanding Warrant 12

- Alaska Native/American Indian: 0 = 0.00%
- Asian/Pacific Islander: 0 = 0.00%
- Black: 0 = 0.00%
- White: 0 = 0.00%
- Hispanic/Latino: 12 = 100.00%

Total: 12 of 31 = 38.71%

13.0 Was Physical Force Resulting in Bodily Injury Used During Stop? – CCP 2.132(B)(6)(D), 2.133(B)(9)

Yes: 1

- Alaska Native/American Indian: 0 = 0.00%
- Asian/Pacific Islander: 0 = 0.00%
- Black: 0 = 0.00%
- White: 1 = 100.00%
- Hispanic/Latino: 0 = 0.00%

Total: 1 of 3,111 = 0.03%

No: 3,110

- Alaska Native/American Indian: 6 = 0.19%
- Asian/Pacific Islander: 3 = 0.10%
- Black: 20 = 0.64%
- White: 322 = 10.32%

- Hispanic/Latino: 2,760 = 88.71%

Total: 3,110 of 3,111 = 99.97%

14.0 Location of Stop – CCP 2.132(B)(6)(E), 2.133(B)(7)

- a. City Street: 414 = 13.31%
- b. U.S. Highway: 891 = 28.64%
- c. State Highway: 1,803 = 57.96%
- d. County Road: 0 = 0.00%
- e. Pvt Property/Other: 3 = 0.10%

Total: 3,111 = 100%

15.0 Number of Complaints of Racial Profiling

Total: 0

- Resulted in disciplinary action: 0
- Did not result in disciplinary action: 0

Total: 0 of 3,111 = 0.00%

On February 20, 2024, the data for this comparative analysis was compiled. The information was collected using Brazos eCitation to record thirteen data points to comply with Art. 2.134 of the Texas Code of Criminal Procedure.

Appendix B – CCP 2.131 – 2.134 RACIAL PROFILING PROHIBITED

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 the following categories:

- (A) Alaska native or American Indian;
- (B) Asian or Pacific Islander;
- (C) black;
- (D) white; and
- (E) Hispanic or Latino.

(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 and complaint process, including providing the telephone number, mailing address, and e-mail address to make a complaint or complaint with respect to each ticket, citation, or warning issued by a peace officer;

- (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 ticket, citation, or warning 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;
- (C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual;
- (D) whether the peace officer used physical force that resulted in bodily injury, as that term is defined by Section [1.07](#), Penal Code, during the stop;
- (E) the location of the stop; and
- (F) the reason for the stop; 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 Texas Commission on Law Enforcement; 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. The agency also shall examine the feasibility of equipping each peace officer who regularly detains or stops motor vehicles with a body worn camera, as that term is defined by Section [1701.651](#), Occupations Code. If a law enforcement agency installs video or audio equipment or equips peace officers with body worn cameras 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 Texas Commission on Law Enforcement 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.
- (h) A law enforcement agency shall review the data collected under Subsection (b)(6) to identify any improvements the agency could make in its practices and policies regarding motor vehicle stops.

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

Amended by:

- Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. [3389](#)), Sec. 25, eff. September 1, 2009.
- Acts 2013, 83rd Leg., R.S., Ch. 93 (S.B. [686](#)), Sec. 2.05, eff. May 18, 2013.
- Acts 2017, 85th Leg., R.S., Ch. 173 (H.B. [3051](#)), Sec. 1, eff. September 1, 2017.
- Acts 2017, 85th Leg., R.S., Ch. 950 (S.B. [1849](#)), Sec. 5.01, eff. September 1, 2017.

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;
- (8) whether the officer issued a verbal or written warning or a ticket or citation as a result of the stop; and
- (9) whether the officer used physical force that resulted in bodily injury, as that term is defined by Section [1.07](#), Penal Code, during the stop.

(c) The chief administrator of a law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, is responsible for auditing reports under Subsection (b) to ensure that the race or ethnicity of the person operating the motor vehicle is being reported.

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

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. [3389](#)), Sec. 26, eff. September 1, 2009.

Acts 2017, 85th Leg., R.S., Ch. 950 (S.B. [1849](#)), Sec. 5.02, eff. September 1, 2017.

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 Texas Commission on Law Enforcement 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;

- (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
 - (C) evaluate and compare the number of searches resulting from motor vehicle stops within the applicable jurisdiction and whether contraband or other evidence was discovered in the course of those searches; 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 Texas Commission on Law Enforcement, 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 Texas Commission on Law Enforcement 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 (I.L.B. [3389](#)), Sec. 27, eff. September 1, 2009.

Acts 2013, 83rd Leg., R.S., Ch. 93 (S.B. [686](#)), Sec. 2.06, eff. May 18, 2013.

Acts 2017, 85th Leg., R.S., Ch. 950 (S.B. [1849](#)), Sec. 5.03, eff. September 1, 2017.

Appendix C – Combes Police Department Racial Profiling Policy and Procedures

See attached policy

Town of Combes Police Department

Racial Profiling Policy

Section I: Purpose

The purpose of this policy is to reaffirm the Combes Police Department's commitment to unbiased policing in all its encounters between officers and any person; to reinforce procedures that serve to ensure public confidence and mutual trust through the provision of services in a fair and equitable fashion; and to protect our officers from unwarranted accusations of misconduct when they act within the dictates of departmental policy and the law.

Section II: Policy

It is the policy of this department to police in a proactive manner and, to aggressively investigate suspected violations of the law. Officers shall actively enforce state and federal laws in a responsible and professional manner, without regard to race, ethnicity or national origin. Officers are strictly prohibited from engaging in racial profiling as defined in this policy. This policy shall be applicable to all persons, whether drivers, passengers or pedestrians.

Section III: Definitions

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

Racial profiling pertains to persons who are viewed as suspects or potential suspects of criminal behavior. The term is not relevant as it pertains to witnesses, complainants or other citizen contacts.

Section IV: Training

Officers are responsible to adhere to all Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) training and the Law Enforcement Management Institute of Texas (LEMIT) requirements as mandated by law.

All officers shall complete a TCLEOSE training and education program on racial profiling not later than the second anniversary of the date the officer is licensed under Chapter 1701 of the Texas Occupations Code or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier. A person who on September 1, 2001, held a TCLEOSE Intermediate proficiency certificate, or who had held a peace officer license issued by TCLEOSE for at least two years, shall complete a TCLEOSE training and education program on racial profiling not later than September 1, 2003.

The Chief of Police, as part of the initial training and continued education for such appointment, will be required to attend the LEMIT program on racial profiling. An individual appointed or elected as a police chief before the effective date of this Act shall complete the program on racial profiling established under Subsection (j), Section 96.641, Education Code, as added by this Act, not later than September 1, 2003.

Section V: Complaint Investigation

1. The department shall accept complaints from any person who believes he or she has been stopped or searched based on racial, ethnic or national origin profiling. No person shall be discouraged, intimidated or coerced from filing a complaint, nor discriminated against because he or she filed such a complaint.
2. Any employee who receives an allegation of racial profiling, including the officer who initiated the stop, shall record the person's name, address and telephone number, and forward the complaint through the appropriate channel. Any employee contacted shall provide to that person a copy of a complaint form or the department process for filing a complaint. All employees will report any allegation of racial profiling to their superior before the end of their shift.
3. Investigation of a complaint shall be conducted in a thorough and timely manner. All complaints will be acknowledged in writing to the initiator who will receive disposition regarding said complaint within a reasonable period of time. The investigation shall be reduced to writing and any reviewer's comments or conclusions shall be filed with the Chief of Police.
4. If a racial profiling complaint is sustained against an officer, it will result in appropriate corrective and/or disciplinary action, up to and including termination.
5. If there is a departmental video or audio recording of the events upon which a complaint of racial profiling is based, upon commencement of an investigation by this department into the complainant and written request of the officer made the subject of the complaint, this department shall promptly provide a copy of the recording to that officer.

Section VI: Public Education

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

Section VII: Citation Data Collection and Reporting

An officer is required to collect information relating to traffic stops in which a citation is issued. On the citation officers must include:

1. The violator's race or ethnicity.
2. Whether a search was conducted.
3. Was the search consensual; and
4. Arrest for this cited violation or any other violation.

By March of each year, the department shall submit a report to their governing board that includes the information gathered by the citations. The report will include:

1. A breakdown of citations by race or ethnicity.
2. Number of citations that resulted in a search.
3. Number of searches that were consensual; and
4. Number of citations that resulted in custodial arrest for this cited violation or any other violation.

Not later than March 1st of each year, this department shall submit a report to our governing body containing this information from the preceding calendar year.

The prohibition against racial profiling does not preclude the use of race, ethnicity or national origin as factors in a detention decision. Race, ethnicity or national origin may be legitimate factors in a detention decision when used as part of an actual description of a specific suspect for whom an officer is searching. Detaining an individual and conducting an inquiry into that person's activities simply because of that individual's race, ethnicity or national origin is racial profiling. Examples of racial profiling include but are not limited to the following:

1. Citing a driver who is speeding in a stream of traffic where most other drivers are speeding because of the cited driver's race, ethnicity or national origin.
2. Detaining the driver of a vehicle based on the determination that a person of that race, ethnicity or national origin is unlikely to own or possess that specific make or model of vehicle.

3. Detaining an individual based upon the determination that a person of that race, ethnicity or national origin does not belong in a specific part of town or a specific place.

A law enforcement agency can derive at two principles from the adoption of this definition of racial profiling:

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

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

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.

Traffic Stop – A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance regulating traffic.

Section VIII: Use of Video and Audio Equipment

Each motor vehicle regularly used by this department to make traffic and pedestrian stops is equipped with a video camera and transmitter-activated equipment, and each motorcycle regularly used by this department to make traffic and pedestrian stops is equipped with transmitter-activated equipment.

Each traffic and pedestrian stop made by an officer of this department that is capable of being recorded by video and audio, as appropriate, is recorded.

This department shall retain the video and audiotapes, or the audiotape of each traffic and pedestrian stop for at least ninety (90) days after the date of the stop. If a complaint is filed with this department alleging that one of our officers has engaged in racial profiling with respect to a traffic or pedestrian stop, this department shall retain the video and audiotapes, or the audiotape of the stop until final disposition of the complaint.

Supervisors will ensure officers of this department are recording their traffic and pedestrian stops. A recording of each officer will be reviewed at least once every ninety (90) days.

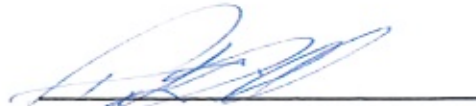
- If the equipment used to record audio and/or video of traffic or pedestrian stops is malfunctioning or otherwise not operable, the officer making the stop may properly record and report the information as required in Policy B Section VIII (or the equivalent section in your department's policy.)

*(Footnote: In the event of equipment failure; as a consideration, agencies may wish to manually collect data when audio and/or video equipment is temporarily non-operational. An agency that chooses to collect data manually should incorporate the information as contained in Policy B Section VIII.)

Passed and Approved on 28th day of October 2013



Marco Sanchez, Mayor



Patrick Quill, Chief of Police

ATTEST:



Alda Gutierrez, Town Secretary