City of Copperas Cove
Information Item No. 2
February 21, 2012

Police Department Racial Profiling Report

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SUBJECT: **Police Department Racial Profiling Report for calendar year 2011.**

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1. PROJECT DESCRIPTION

Submittal of the Copperas Cove Police Department Racial Profiling Report for 2011.

2. BACKGROUND/HISTORY

The Texas Code of Criminal Procedure, Article 2.134 (2) (b) in part states:

"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."

3. FINDINGS/CURRENT ACTIVITY

The 2011 Racial Profiling Report has been placed in each City of Copperas Cove Council Member's internal mailbox for your review as well as attached to this information item. In addition, copies of the report have been mailed via certified return receipt requested to the County Judges of Coryell, Lampasas, and Bell Counties. This satisfies the requirements of the code.

The law requires no discussion of formal complaints filed against the department or any individual officers for racial profiling but it should be noted that during calendar year 2011, the police department received one formal complaint for racial profiling. The allegation was investigated and determined to be unfounded.

4. FINANCIAL IMPACT

None.

Copperas Cove Police Department

Racial Profiling Report 2011

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Copperas Cove Police Department
Racial Profiling Report

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Copperas Cove Police Department
Racial Profiling Report

Introduction

Racial Profiling is defined by Texas law as 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. There are two corollary principles that follow from adopting this definition of racial profiling:

1) police may not use racial or ethnic stereotypes as factors in selecting whom to stop and search, and
2) police may use race or ethnicity to determine whether a person matches a specific description of a particular suspect.

One of the most important steps in addressing a problem is acknowledging its existence. The problem of racial profiling is complex and multifaceted. The majority of police officers are hard-working public servants who perform a dangerous job with dedication and honor. However, the perception that some police officers are engaging in racial profiling has created resentment and distrust of the police, particularly in minority communities. When law enforcement practices are perceived to be biased, unfair, or disrespectful, individuals as well as entire communities are less willing to trust and confide in police officers, report crimes, and participate in problem solving communities.

Since January 1, 2002, the Copperas Cove Police Department, in accordance with the Texas Racial Profiling Law (S.B. No. 1074), has been collecting police contact data for the purpose of identifying and responding (if necessary) to concerns regarding racial profiling practices. It is our hope that the findings provided in this report will serve as evidence that the Copperas Cove Police Department continues to strive towards the goal of maintaining strong relations with the community.

In this report, the reader will encounter several sections designed at providing background information on the rationale and objectives of the Texas Racial Profiling Law. Other sections contain information relevant to the institutional policies adopted by the Copperas Cove Police Department banishing the practice of racial profiling among its officers.

The final components of this report provide statistical data relevant to the public contacts made during the period of January 1, 2011 and December 31, 2011. This information has been analyzed and compared to the data from the US Census Bureau 2005-2009 American Community Survey for the City of Copperas Cove and the US Census 2000 Texas Fair Roads Standard. It should be noted that there was no population data available for Middle Eastern individuals and no Fair Roads data for American Indian or Middle Eastern individuals. It is our sincere hope that the channels of communication between community leaders and the Copperas Cove Police Department continue to strengthen as we move forward to meet the challenges of the near future.

Copperas Cove Police Department
Racial Profiling Report

Section 1 Department Policy on Racial Profiling

I. PURPOSE AND POLICY

This Racial Profiling Policy is adopted in compliance with the requirements of Articles 2.131 through 2.136, Texas Code of Criminal Procedure, which prohibits Texas peace officers from engaging in racial profiling.

II. DEFINITIONS

A. **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. 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, persons needing assistance, or other citizen contacts.

B. **Race or Ethnicity:** means of a particular descent, including Caucasian, African, Hispanic, Asian, or Native American descent.

C. **Acts Constituting Racial Profiling:** are acts initiating law enforcement action, such as a traffic stop, a detention, a search, issuance of a citation, or an arrest based solely upon an individual's race, ethnicity, or national origin or on the basis of racial or ethnic stereotypes, rather than upon the individual's behavior, information identifying the individual as having possibly engaged in criminal activity, or other lawful reasons for the law enforcement action.

D. **Pedestrian Stop:** means an interaction between a peace officer and an individual who is being detained for the purposes of a criminal investigation in which the individual is not under arrest.

E. **Traffic Stop:** means the stopping of a motor vehicle by a peace officer for an alleged violation of law or ordinance regulating traffic.

III. PROHIBITION

A. Peace officers of the City of Copperas Cove are strictly prohibited from engaging in racial profiling.

B. The prohibition against racial profiling does not preclude the use of race, ethnicity, or national origin as factors in a detention decision by a peace officer. Race, ethnicity, or national origin may be legitimate factors in such a decision when used as part of a description of a suspect or witness for whom a peace officer is searching.

IV. COMPLAINT PROCESS AND PUBLIC EDUCATION

A. Any person who believes that a peace officer employed by the City has engaged in racial profiling with respect to that person may file a complaint with the City, and no person shall be discouraged, intimidated, or coerced from filing such a complaint, or be discriminated against because they have filed such a complaint.

B. The City shall accept and investigate citizen complaints alleging racial profiling by its peace officers. Such complaints shall be in writing, or the city employee, officer, or official receiving the complaint should reduce the same to writing, and should include the time, place, and details of the incident of alleged racial profiling, the identity or description of the peace officer or officers involved, and the identity and manner of contacting the complainant.

C. Any peace officer, city employee, or city official who receives a citizen complaint alleging racial profiling shall forward the complaint to the Chief of Police immediately.

D. Receipt of each complaint shall be acknowledged to the complainant in writing, all such complaints shall be reviewed and investigated by the Division Lieutenant within a reasonable period of time, and the results of the Division Lieutenant's review and investigation shall be filed with the Chief of Police and with the complainant.

E. In investigating a complaint alleging racial profiling, the Division Lieutenant shall seek to determine if the officer who is the subject of the complaint has engaged in a pattern of racial profiling that includes multiple acts constituting racial profiling for which there is no reasonable, credible explanation based on established police and law enforcement procedures. A single act constituting racial profiling may not be considered a pattern of racial profiling, and may not be grounds for corrective action.

D. In the event that a complaint of racial profiling filed by an individual involves an occurrence that was recorded on audio or video, the Division Lieutenant shall, upon commencement of the investigation of the complaint and upon written request of the officer, promptly provide a copy of the recording to the peace officer that is a subject of the complaint.

E. The police department shall provide education to the public concerning the racial profiling complaint process. A summary of the public education efforts made during the preceding year shall be included with the annual report filed with the governing body of the City of Copperas Cove under Part VI below.

V. CORRECTIVE ACTION

Any peace officer who is found, after investigation, to have engaged in racial profiling in violation of this policy shall be subject to corrective action, which may include reprimand; diversity, sensitivity or other appropriate training or counseling; paid or unpaid suspension; termination of employment, or other appropriate action as determined by the Chief of Police.

VI. COLLECTION OF INFORMATION AND ANNUAL REPORT WHEN CITATION ISSUED OR ARREST MADE

A. For each traffic stop in which a citation is issued and for each arrest resulting from such traffic stops, a peace officer involved in the stop shall collect information identifying the race or ethnicity of the person detained, stating whether a search was conducted, and if a search was conducted, whether the person detained consented to the search.

B. The information collected shall be compiled in an annual report covering the period January 1 through December 31 of each year, and shall be submitted to the governing body of the City of Copperas Cove no later than March 1 of the following year.

C. The annual report shall not include identifying information about any individual stopped or arrested, and shall not include identifying information about any peace officer involved in a stop or arrest.

VII. AUDIO AND VIDEO EQUIPMENT

A. The Chief of Police shall, immediately upon enactment of this policy, commence examination of the feasibility of installing video camera equipment and transmitter-activated equipment in each City motor vehicle regularly used to make traffic stops, and transmitter-activated equipment in each City motorcycle regularly used to make traffic stops, and shall report to the governing body of the City of Copperas Cove on the findings of such examination no later than six months following enactment of this policy. The report shall include funding options available to the City, including any funding available through the Department of Public Safety.

B. In the event that the findings of such examination support the installation of such equipment, the governing body shall consider and take action on installing the equipment, applying for funding to secure and install such equipment, or such other action as the governing body considers appropriate. In the event the examination does not support installing such equipment, the Chief of Police shall periodically update the governing body on such feasibility.

C. In the event that the governing body determines that funds are needed in order to install the equipment, it shall pass a resolution certifying that fact to the Department of Public Safety. On receipt of either sufficient funds or video and audio equipment, the governing body shall install video and transmitter-activated

equipment in each motor vehicle regularly used to make traffic stops, and shall install transmitter-activated equipment on each motorcycle regularly used to make traffic stops, and the governing body shall pass a resolution certifying to the Department of Public Safety that such equipment has been installed and is being used to record each traffic and pedestrian stop made by a peace officer employed by the City that is capable of being recorded by video and audio or audio equipment, as appropriate.

VIII. REVIEW OF VIDEO AND AUDIO DOCUMENTATION-STANDARDS

A. In the event that audio and video equipment is installed, each audio and video recording shall be retained for a minimum period of ninety (90) days unless a complaint is filed alleging that a peace officer of the City has engaged in racial profiling with respect to a traffic or pedestrian stop, in which case the recording shall be retained until final disposition of the complaint.

B. In conjunction with preparation of the annual report required under Part VI above, the Patrol Lieutenant shall periodically conduct reviews of a randomly-selected sampling of video and audio recordings made recently by peace officers employed by the City in order to determine if patterns of racial profiling exist.

C. In reviewing audio and video recordings, the Patrol Lieutenant shall seek to determine if the officer who is involved therein has engaged in a pattern of racial profiling that includes multiple acts constituting racial profiling for which there is no reasonable, credible explanation based on established police and law enforcement procedures.

D. A single act constituting racial profiling may not be considered a pattern of racial profiling, and shall not be grounds for corrective action.

IX. COLLECTION, COMPLIANCE, ANALYSIS, AND REPORTING REQUIREMENTS IN ABSENCE OF EITHER AUDIO AND VIDEO EQUIPMENT OR NON-FUNDING CERTIFICATION BY THE GOVERNING BODY

A. In addition to the annual report required when citations are issued and arrests made, and so long as the City of Copperas Cove has not equipped all motor vehicles and motorcycles regularly used to make traffic and pedestrian stops with audio and video equipment, as applicable, and so long as the City has not or is not able to certify to the Department of Public Safety that it needs funds for such audio and video equipment but has not received such funds, then each peace officer of the City shall make the following report for each traffic and pedestrian stop:

1. A physical description of each person 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 his or her ability;

2. The traffic law or ordinances alleged to have been violated or the suspected offense;

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 was discovered in the course of the search and the type of contraband discovered;

5. Whether probable cause to search existed and the facts supporting the existence of that probable cause;

6. Whether the officer made an arrest as a result of the stop or the search, including a statement of the offense charged;

7 The street address or approximate location of the stop; and

8. Whether the officer issued a warning or a citation as a result of the stop, including a description of the warning or a statement of the violation charged.

B. The information in each report shall be analyzed and compiled in a report that covers the period January 1 through December 31 of each year, and shall be submitted to the governing body of the City of Copperas Cove no later than March 1 of the following year. Each such report shall include:

1. A comparative analysis of the information compiled by each officer under Part IX (A) (1)-(8) to:

a. determine the prevalence of racial profiling by peace officers employed by the City; and

b. examine the disposition of traffic and pedestrian stops made by officers employed by the City, including searches resulting from such stops; and

2. Information relating to each complaint filed with the City alleging that a peace officer employed by the City had engaged in racial profiling.

C. The report required by Part IX may not include identifying information about a peace officer who makes a traffic or pedestrian stop or about an individual who is stopped or arrested by an officer.

D. The compilation of information, analysis, and report required by Part IX shall not be required for any calendar year during which:

1. The City has equipped all motor vehicles and motorcycles regularly used to make traffic and pedestrian stops with audio and video equipment, and each traffic and pedestrian stop made by a peace officer employed by the City that is capable of being recorded by video and audio or audio equipment, as appropriate, has been so recorded; or

2. The City has certified to the Department of Public Safety that it needs funds for such audio and video equipment, as described in Part VII(C) above, but has not received such funds.

X. PEACE OFFICER AND POLICE CHIEF TRAINING

A. Each peace officer employed by the City shall complete the comprehensive education and training program on racial profiling established by the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) not later than the second anniversary of the date the officer was licensed or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier.

B. The Chief of Police shall, in completing the training required by Section 96.641, Texas Education Code, complete the program on racial profiling established by the Bill Blackwood Law Enforcement Management Institute of Texas.

Section 2 Texas Laws on Racial Profiling

Code of Criminal Procedure

Art. 3.05. Racial Profiling
In this code, "racial profiling" means a law enforcement-initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity.

Art. 2.131. Racial Profiling Prohibited
A peace officer may not engage in racial profiling.

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.

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.

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.

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).

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.

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).

Art. 2.138. Rules
The Department of Public Safety may adopt rules to implement Articles 2.131-2.137.

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.

Education Code

96.641. Initial Training and Continuing Education for Police Chiefs
(a) The Bill Blackwood Law Enforcement Management Institute of Texas shall establish and offer a program of initial training and a program of continuing education for police chiefs. The curriculum for each program must relate to law enforcement management issues. The institute shall develop the curriculum for the programs. The curriculum must be approved by the Commission on Law Enforcement Officer Standards and Education.
(b) Each police chief must receive at least 40 hours of continuing education provided by the institute under this section each 24-month period. The Commission on Law Enforcement Officer Standards and Education by rule shall establish a uniform 24-month continuing education training period.
(c) An individual appointed or elected to that individual's first position as chief must receive not fewer than 80 hours of initial training for new chiefs in accordance with Subsections (d) and (e).
(d) A newly appointed or elected police chief shall complete the initial training program for new chiefs not later than the second anniversary of that individual's appointment or election as chief. The initial training program for new chiefs is in addition to the initial training and continuing education required by Chapter 1701, Occupations Code. The Commission on Law Enforcement Officer Standards and Education by rule shall establish that the first continuing education training period for an individual under Subsection (b) begins on the first day of the first uniform continuing education training period that follows the date the individual completed the initial training program.
(e) The institute by rule may provide for the waiver of:
(1) the requirement of all or part of the 80 hours of initial training for new chiefs to the extent the new chief has satisfactorily completed equivalent training in the 24 months preceding the individual's appointment or election; or

(2) the continuing education requirements of Subsection (b) for an individual who has satisfactorily completed equivalent continuing education in the preceding 24 months.

(f) An individual who is subject to the continuing education requirements of Subsection (b) is exempt from other continuing education requirements under Subchapter H, Chapter 1701, Occupations Code.

(g) In this section, "police chief" or "chief" means the head of a police department.

(h) The chief of a municipal police department must be licensed as a peace officer by the commission no later than one year after the date that the chief is appointed to the position of police chief. The commission shall establish requirements for licensing and for revocation, suspension, cancellation, or denial of peace officer license for a police chief.

(i) A police chief who does not comply with this section cannot continue to be the chief.

(j) As part of the initial training and continuing education for police chiefs required under this section, the institute shall establish a program on asset forfeiture under Chapter 59, Code of Criminal Procedure. The program must include an examination of the best practices for educating peace officers about asset forfeiture and monitoring peace officers' compliance with laws relating to asset forfeiture.

(k) As part of the initial training and continuing education for police chiefs required under this section, the institute shall establish a program on racial profiling. The program must include an examination of the best practices for:

(1) monitoring peace officers' compliance with laws and internal agency policies relating to racial profiling;

(2) implementing laws and internal agency policies relating to preventing racial profiling; and

(3) analyzing and reporting collected information.

(l) As part of the initial training and continuing education for police chiefs required under this section, the institute shall establish a program on de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments. The program must include an examination of the best practices for:

(1) monitoring peace officers' compliance with internal agency policies relating to de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments; and

(2) implementing internal agency policies relating to those techniques.

(m) A police chief may not satisfy the requirements of Subsection (l) by taking an online course on de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments.

Occupations Code

1701.402. Proficiency Certificates

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

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

(1) civil service;

(2) compensation, including overtime compensation, and vacation time;

(3) personnel files and other employee records;

(4) management-employee relations in law enforcement organizations;

(5) work-related injuries;
(6) complaints and investigations of employee misconduct; and
(7) disciplinary actions and the appeal of disciplinary actions.

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

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

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

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

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

Text of subsection as added by Acts 2009, 81st Leg., R.S., Ch. 1002, Sec. 6

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

Text of subsection as added by Acts 2009, 81st Leg., R.S., Ch. 1172, Sec. 17

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

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

Transportation Code

543.202. Form of Record

(a) In this section, "race or ethnicity" means of a particular descent, including Caucasian, African, Hispanic, Asian, or Native American descent.

(b) The record must be made on a form or by a data processing method acceptable to the department and must include:

(1) the name, address, physical description, including race or ethnicity, date of birth, and driver's license number of the person charged;
(2) the registration number of the vehicle involved;
(3) whether the vehicle was a commercial motor vehicle as defined by Chapter 522 or was involved in transporting hazardous materials;
(4) the person's social security number, if the person was operating a commercial motor vehicle or was the holder of a commercial driver's license or commercial driver learner's permit;

(5) the date and nature of the offense, including whether the offense was a serious traffic violation as defined by Chapter 522;
(6) whether a search of the vehicle was conducted and whether consent for the search was obtained;
(7) the plea, the judgment, whether the individual was adjudicated under Article 45.0511, Code of Criminal Procedure, and whether bail was forfeited;
(8) the date of conviction; and
(9) the amount of the fine or forfeiture.

Section 3 Baseline Data

Before statistics can be evaluated, it is necessary to define the baseline for comparison. Several methods for determining a baseline have been proposed throughout the state and none are perfect. There are shortcomings with each proposed method. Generally, the following methods for determining baselines have been suggested:

(1) The ACLU's Fair Roads Standard that uses census data to determine the number of households with vehicles available.
(2) Census data for specific jurisdictions such as the racial demographics for Copperas Cove.
(3) Licensed driver data for the geographic area.

The Texas Fair Roads Standard uses Census data on the number of households with vehicles available to calculate a statistical baseline by which departments can estimate the prevalence of racial profiling as required in Texas state law. This method tends to exclude the underprivileged families who may share vehicles with other members of their family not living in the same residence or others who drive periodically for various reasons. In the specific area of Southern Coryell County, it tends to exclude untold numbers of soldiers who were not counted in the census as being residents of Coryell County at all or who tend not to own a car but drive none the less.

Using Census data is problematic because of the regional nature of Copperas Cove. Due to Fort Hood, this area experiences a high fluctuation of not just population but also racial demographics. With the Census only being completed once every ten years, this baseline will become less and less accurate every year. Many of the personnel on Fort Hood are not native to the Central Texas area and may not be counted on the Census at all.

Driver license data is also difficult for this geographic area because large numbers of the area's population are not licensed drivers in Texas. Additionally, driver license data does not separate white from Hispanic drivers. They are considered the same by Texas DPS driver license data.

Additional concerns for baseline comparison arise from the evaluation of mixed race individuals. Officers are instructed to make their best estimate as to the race or ethnicity of a driver if they cannot gather the information from the driver license information. Many times individuals are encountered with those who are Hispanic but have an Anglo last name. A person who is black and Caucasian mixed may appear black but not have been counted as "one race" black by the census. And finally, a person may be a white Hispanic or black Hispanic. Black Hispanics would most likely be categorized as black by a police officer but counted as Hispanic in the census. There is and continues to be a concern regarding the Census undercounting of minorities.

With these many issues in mind, this report will utilize the "race alone or in combination with one or more other races" Census Data and the Fair Roads Standard Data for Copperas Cove.

Section 4 Department Statistics

Table 1

The Copperas Cove Police Department performed 12,582 traffic and pedestrian stops in CY 2011. Of these stops, 62.2% of the individuals were white, 24.1% were black, 10.5% were Hispanic, 2.4% were Asian, 0.6% was American Indian, and 0.2% was Middle Eastern. These statistics revealed no anomalies when compared to the baseline data. Although there was a increase of 481 stops over the previous year, the percentage of stops on each race reflected very little change over CY 2010.

Table 2

8,393 or 66.7% of the 12,582 stops were conducted on residents of Copperas Cove and 4,189 or 33.3% were conducted on non-residents. This statistic reveals that a large percentage of police contacts are performed on individuals who reside outside of Copperas Cove making the available baseline data even less accurate. There is currently no system in place which measures the demographics of non-residents who visit, drive through, or work in Copperas Cove.

Table 3

The officer was unaware of the race or ethnicity of the driver or pedestrian prior to making the stop on 11,636 or 92.5% of the 12,582 stops. This statistic reveals that a large percentage of police contacts are performed on individuals prior to any knowledge of race or ethnicity.

Table 4

Of the 12,582 stops, 6,031 or 47.9% resulted in citations being issued. A total of 8,617 charges were filed. 62.1% were issued to white individuals, 23.1% were issued to black individuals, 11.4% were issued to Hispanic individuals, 2.6% were issued to Asian individuals, and the remaining 0.8% was issued to American Indian and Middle Eastern individuals. Like Table 1, these statistics revealed no anomalies when compared to the baseline data and reflected very little change over CY 2010.

Table 5

3,808 or 63.1% of the 6,031 citation stops were conducted on residents of Copperas Cove and 2,223 or 36.9% were conducted on non-residents. Like Table 2, this statistic reveals that a large percentage of citation stops were conducted on individuals who reside outside of Copperas Cove.

Table 6

The Copperas Cove Police Department arrested or detained a total of 1,857 individuals during CY 2011 with 1,508 being adults (individuals over the age of 16). 236 or 15.6% of the 1508 arrests occurred during a stop. Of the 236 arrests, 50.0% were white, 40.3% were black, 8.8% were Hispanic, and 0.9% was American Indian. There were no arrests in the categories for Asian or Middle Eastern.

Statistics also revealed that of the 1,508 total adult arrests, 764 or 50.7% of the arrests involved warrants being issued from a court. The remaining 744 or 49.3% were based on the officer's discretion. When broken down, a discrepancy is revealed among the four most common race categories. This discrepancy reflects not only in the arrest percentages but also in the search percentages since the majority of searches are performed after an arrest is made. The breakdown of total adult arrests compared to warrant arrests by race is as follows;

White – 412 out of 815 total arrests or 50.5% of arrests were for warrants.
Black – 273 out of 516 total arrests or 52.9% of arrests were for warrants.
Hispanic – 63 out of 146 total arrests or 43.2% of arrests were for warrants.
Asian – 14 out of 28 total arrests or 50.0% of arrests were for warrants.

Table 7

A review of these same 12,582 stops revealed that arrests were made on 236 of the stops which is a frequency of 1.9% or about once every 53 stops. 1.5% of white individuals stopped were arrested, 3.1% for black individuals, 1.6% for Hispanics, and 2.0% for American Indians and Middle Easterners. There were no Asians arrested.

Table 8

177 or 75.0% of the 236 arrests were for residents of Copperas Cove and 59 or 25.0% were for non-residents. Like Tables 2 and 5, this statistic reveals that a large percentage of arrests are against individuals who reside outside of Copperas Cove.

Table 9

Of the 236 arrests, 72 involved an individual who also received a citation for a Transportation Code violation. 45.8% of those arrested and cited were white, 45.8% were black, and 8.4% were Hispanic. None were Middle Eastern, American Indian or Asian.

Table 10

53 or 73.6% of the 72 arrested and cited were residents of Copperas Cove and 19 or 26.4% were for non-residents. Like Tables 2, 5, and 8 this statistic reveals that a large percentage of those arrested and cited are individuals who reside outside of Copperas Cove.

Table 11

Of the 12,582 stops, 339 searches were conducted. Of these 339 searches, 176 were based on consent from the individual and 160 were based on probable cause, incident to an arrest, or a vehicle inventory. 58.7% of those searched were white, 31.9% were black, 8.2% were Hispanic, and 1.2% were Asian or American Indian. No searches were conducted on Middle Easterners.

Table 12

An analysis of searches shows that a search was performed on 2.7% of all stops or about once every 37 stops. 2.5% of white individuals stopped were searched, 3.6% for black individuals, 2.1% for Hispanics, 0.7% for Asians, and 1.9% for American Indians.

Table 13

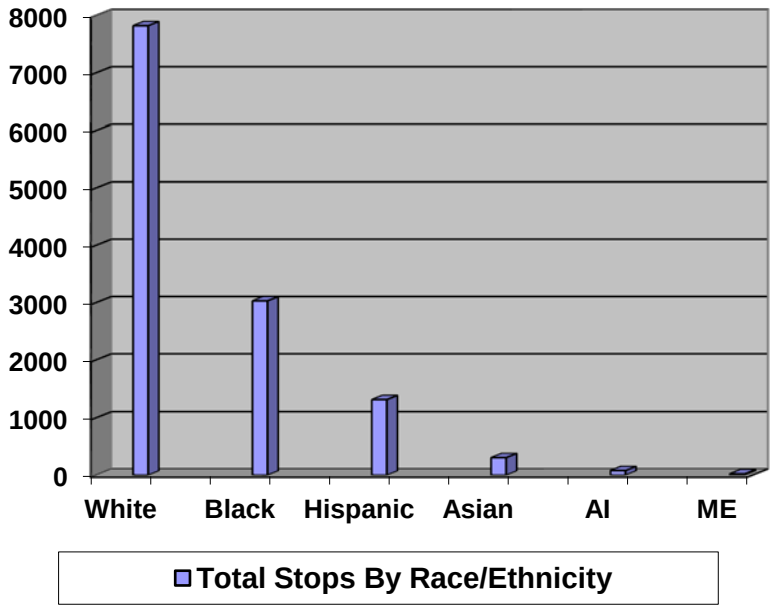
249 or 73.5% of the 339 searches were conducted on residents of Copperas Cove and 90 or 26.5% were on non-residents. Like Tables 2, 5, 8, and 10 this statistic reveals that a large percentage of searches are conducted on individuals who reside outside of Copperas Cove.

The law requires no discussion of formal complaints filed against the department or any individual officers for racial profiling but it should be known that during the calendar year of 2011, the Copperas Cove Police Department received one formal complaint for racial profiling. The allegation was investigated and determined to be unfounded.

Copperas Cove Police Department
Racial Profiling Report

Table 1: Total Traffic / Pedestrian Stops by Race/Ethnicity

	Total	% of Total	Population	Fair Roads
White	7823	62.2%	67.3%	65.2%
Black	3031	24.1%	26.7%	19.5%
Hispanic	1319	10.5%	12.0%	9.2%
Asian	306	2.4%	6.6%	2.6%
AI	80	0.6%	1.7%	N/A
ME	23	0.2%	N/A	N/A
Total Stops	**12582**	**100%**		

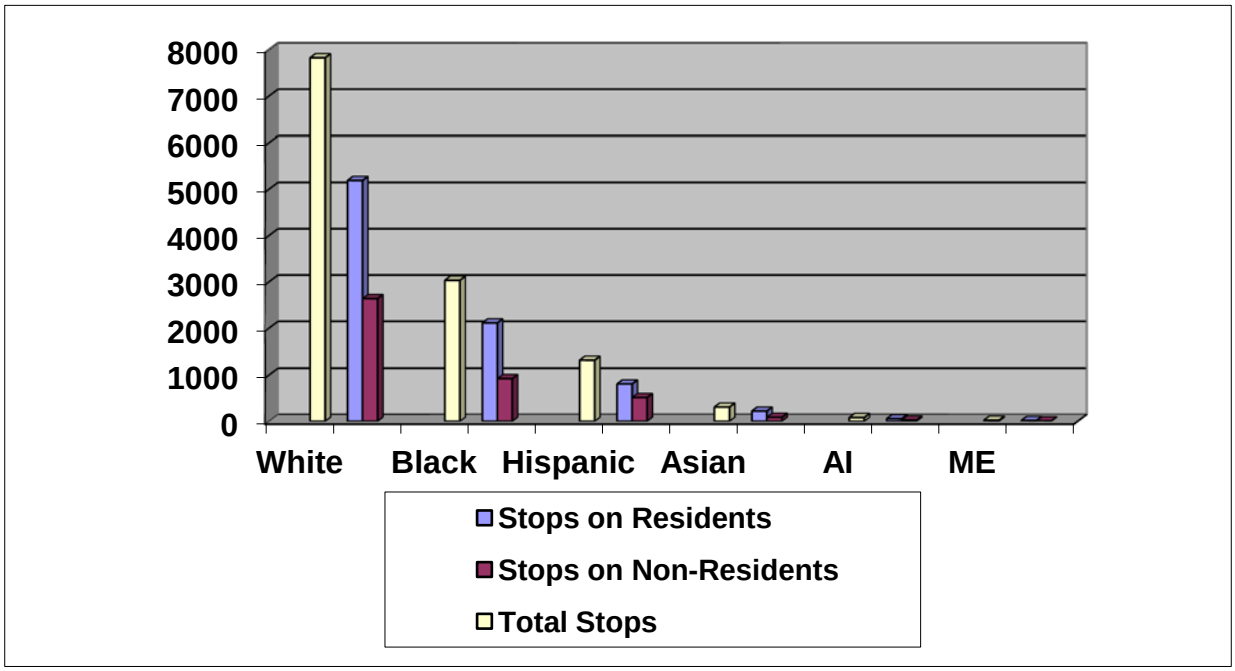


AI- American Indian
ME-Middle Eastern

Copperas Cove Police Department
Racial Profiling Report

Table 2: Total Traffic / Pedestrian Stops by Resident & Non-Resident

	Total Stops	Stops on Residents	% of Stops on Residents	Stops on Non-Residents	% of Stops on Non-Residents
White	7823	5187	66.3%	2636	33.7%
Black	3031	2110	69.6%	921	30.4%
Hispanic	1319	806	61.1%	513	38.9%
Asian	306	220	71.9%	86	28.1%
AI	80	54	67.5%	26	32.5%
ME	23	16	69.6%	7	30.4%
Total Stops	**12582**	**8393**	**66.7%**	**4189**	**33.3%**

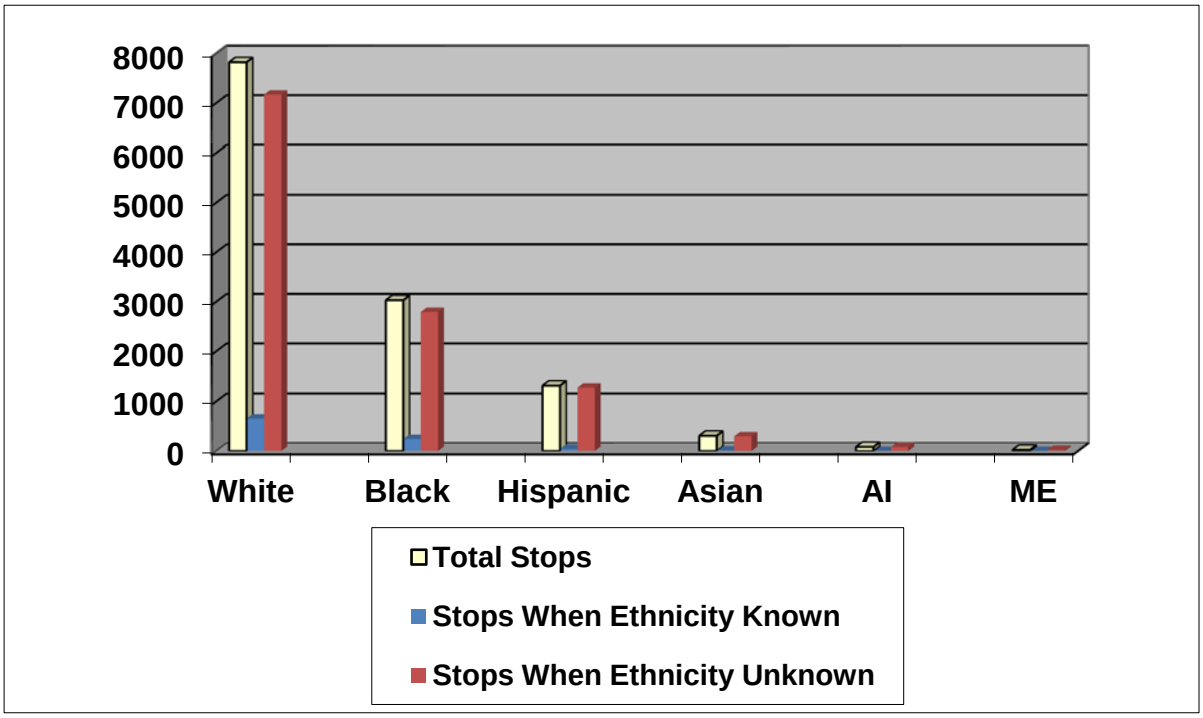


AI- American Indian
ME-Middle Eastern

Copperas Cove Police Department
Racial Profiling Report

Table 3: Total Traffic / Pedestrian Stops When Ethnicity Known & Unknown Prior to Stop

	Total Stops	Ethnicity Known	% of Stops on Ethnicity Known	Ethnicity Unknown	% of Stops on Ethnicity Unknown
White	7823	654	8.4%	7169	91.6%
Black	3031	239	7.9%	2792	92.1%
Hispanic	1319	41	3.1%	1278	96.9%
Asian	306	11	3.6%	295	96.4%
AI	80	1	1.2%	79	98.8%
ME	23	0	0.0%	23	100.0%
Total Stops	**12582**	**946**	**7.5%**	**11636**	**92.5%**

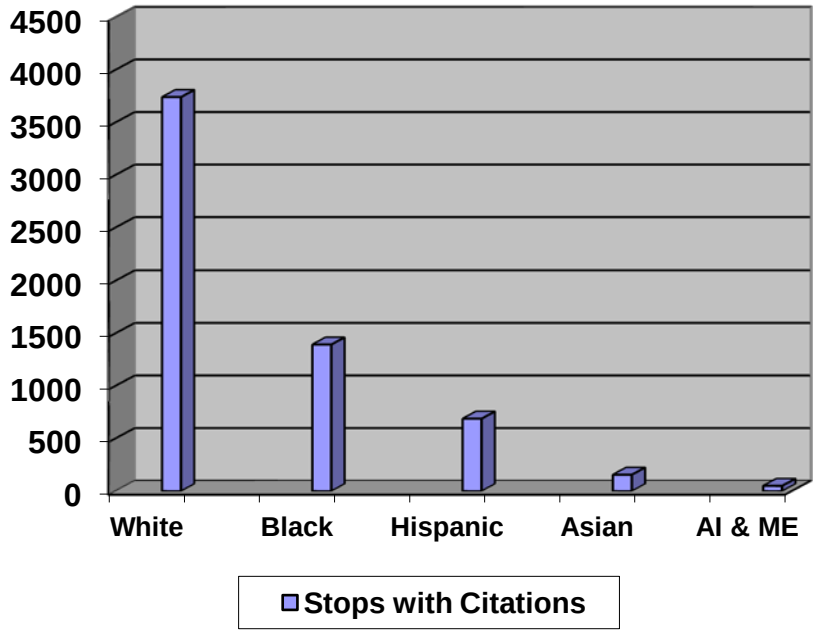


AI- American Indian
ME-Middle Eastern

Copperas Cove Police Department
Racial Profiling Report

Table 4: Traffic / Pedestrian Stops with Citations Issued

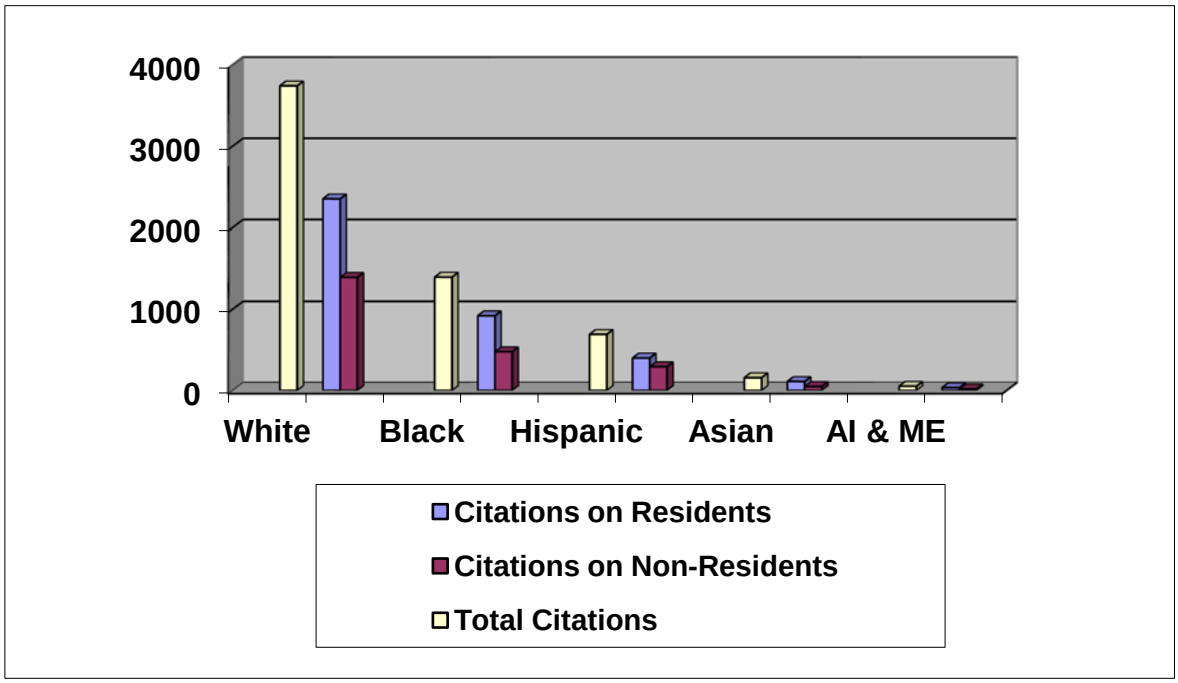
	Total	% of Total	Population	Fair Roads
White	3742	62.1%	67.3%	65.2%
Black	1394	23.1%	26.7%	19.5%
Hispanic	689	11.4	12.0%	9.2%
Asian	156	2.6	6.6%	2.6%
AI & ME	50	0.8%	1.7%	N/A
Total Stops w/ Citations	**6031**	**100%**		
Total Citation Charges	**8617**			



AI- American Indian
ME-Middle Eastern

Table 5: Traffic / Pedestrian Citations by Resident & Non-Resident

	Total Citations	Citations on Residents	% of Citations on Residents	Citations on Non-Residents	% of Citations on Non-Residents
White	3742	2350	62.8%	1392	37.2%
Black	1394	918	65.9%	476	34.1%
Hispanic	689	398	57.8%	291	42.2%
Asian	156	109	69.9%	47	30.1%
AI & ME	50	33	66.0%	17	34.0%
Total Stops	**6031**	**3808**	**63.1%**	**2223**	**36.9%**

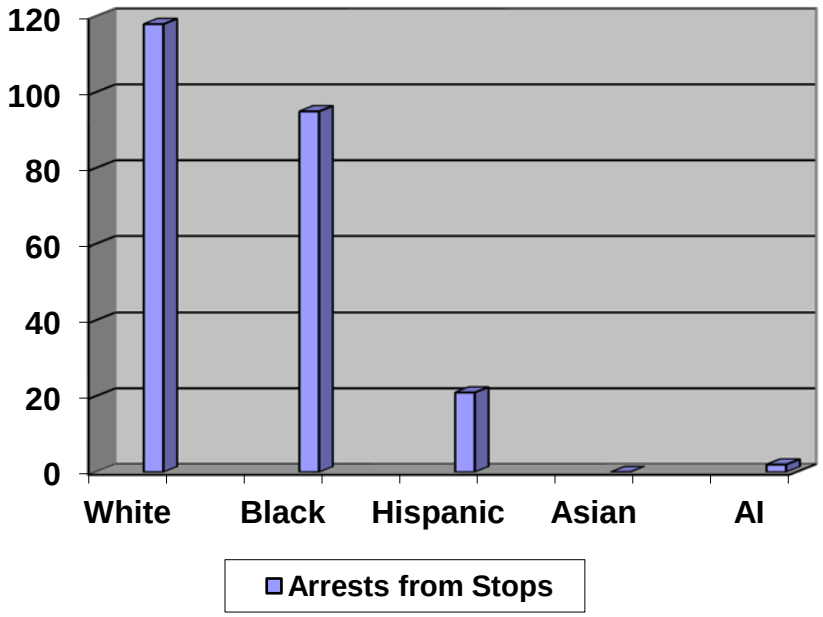


AI- American Indian
ME-Middle Eastern

Copperas Cove Police Department
Racial Profiling Report

Table 6: Traffic / Pedestrian Stops with Arrests

	Total	% of Total	Population	Fair Roads
White	118	50.0%	67.3%	65.2%
Black	95	40.3%	26.7%	19.5%
Hispanic	21	8.8%	12.0%	9.2%
Asian	0	0.0%	6.6%	2.6%
AI	2	0.9%	1.7%	N/A
Total Stops w/ Arrests	**236**	**100%**		
Total Adult Arrests	**1719**			
Total Juvenile Detentions	**138**			
Total Department Arrests	**1857**			

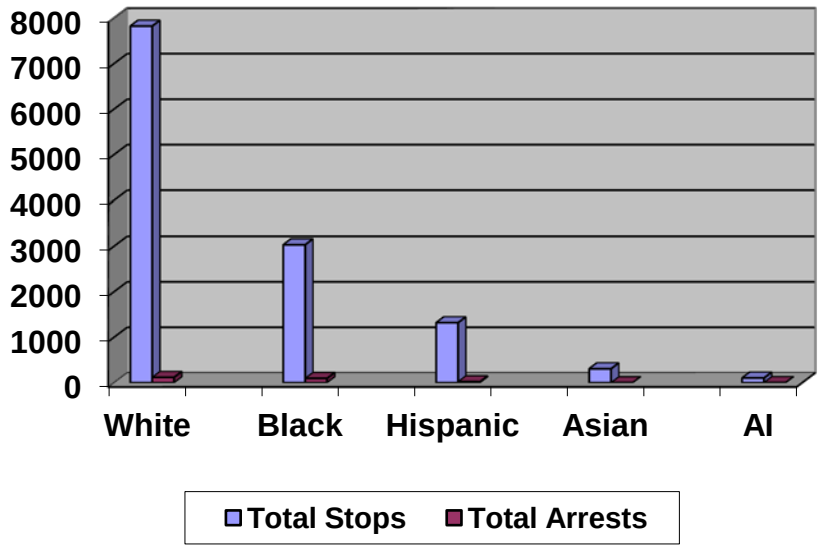


AI- American Indian

Copperas Cove Police Department
Racial Profiling Report

Table 7: Percentage of Persons Arrested on Stops

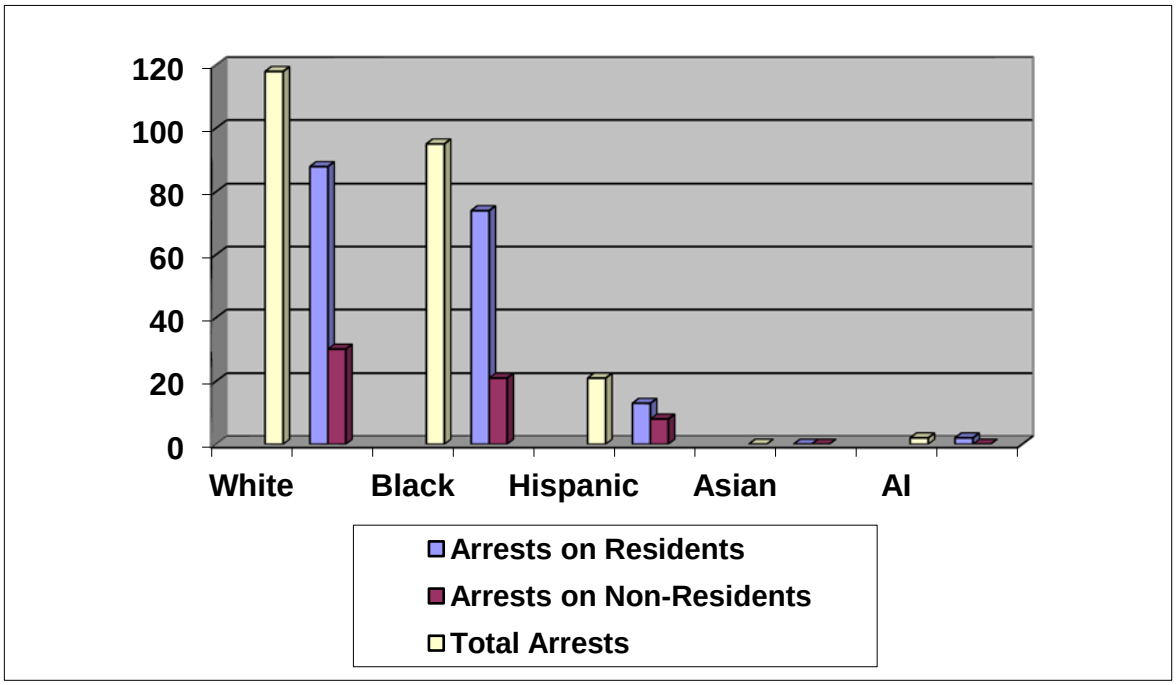
	Total Stops	Total Arrests	% Arrested on Stops
White	7823	118	1.5%
Black	3031	95	3.1%
Hispanic	1319	21	1.6%
Asian	306	0	0.0%
AI	103	2	2.0%
Totals	**12582**	**236**	**1.9%**



AI- American Indian

Table 8: Traffic / Pedestrian Arrests by Resident & Non-Resident

	Total Arrests	Arrests on Residents	% of Arrests on Residents	Arrests on Non-Residents	% of Arrests on Non-Residents
White	118	88	74.6%	30	25.4%
Black	95	74	77.9%	21	22.1%
Hispanic	21	13	61.9%	8	38.1%
Asian	0	0	0.0%	0	0.0%
AI	2	2	100.0%	0	0.0%
Total Stops	**236**	**177**	**75.0%**	**59**	**25.0%**

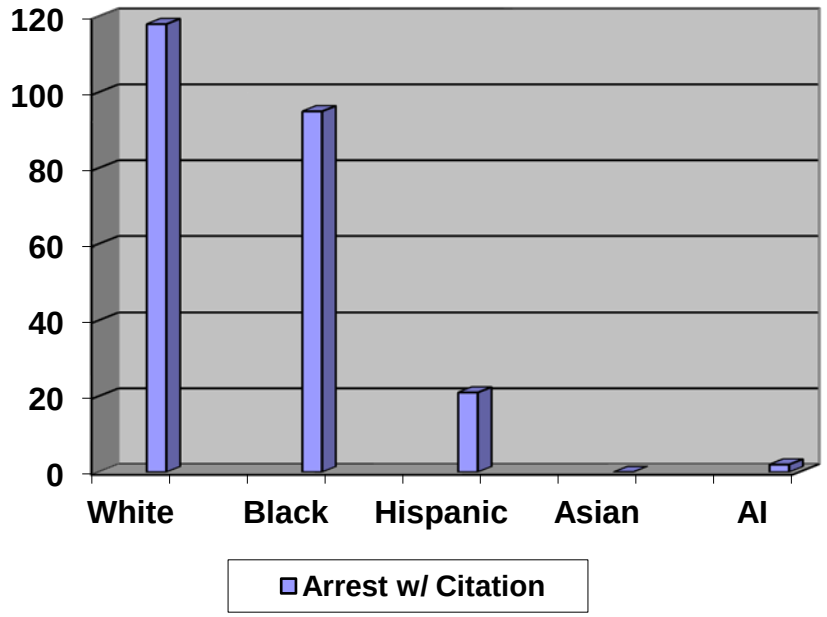


AI- American Indian

Copperas Cove Police Department
Racial Profiling Report

Table 9: Arrests With Citation Issued

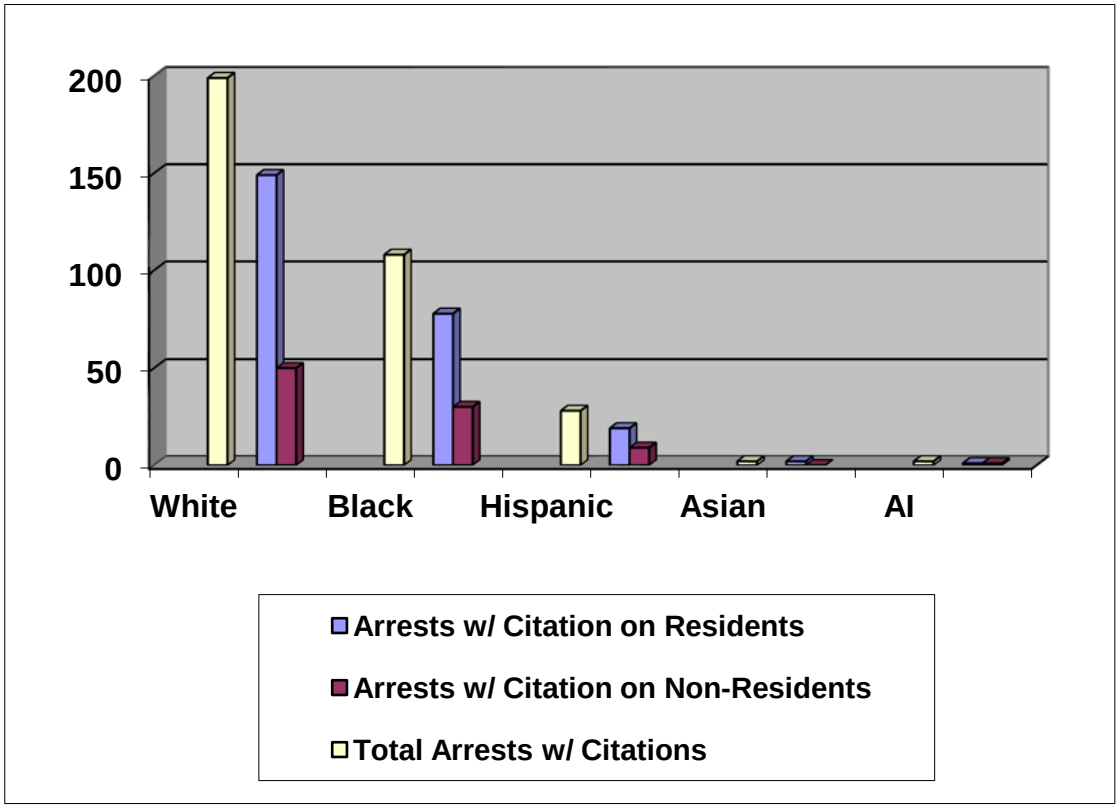
	Total	% of Total	Population	Fair Roads
White	33	45.8%	67.3%	65.2%
Black	33	45.8%	26.7%	19.5%
Hispanic	6	8.4%	12.0%	9.2%
Asian	0	0.0%	6.6%	2.6%
AI	0	0.0%	1.7%	N/A
Total Arrests w/ Citation	**72**	**100%**		



AI- American Indian

Table 10: Arrests With Citation Issued by Resident & Non-Resident

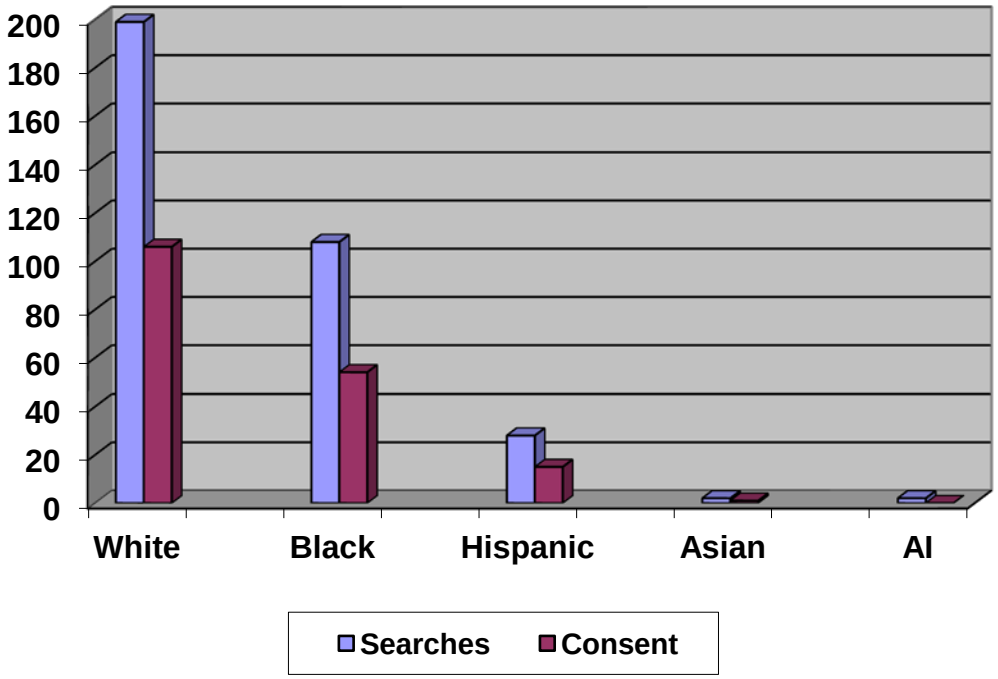
	Total Arrests w/Citation	Arrests w/Citation Residents	% of Arrests w/Citation on Residents	Arrests w/Citation Non-Residents	% of Arrests w/Citation on Non-Residents
White	33	27	81.8%	6	18.2%
Black	33	23	69.7%	10	30.3%
Hispanic	6	3	50.0%	3	50.0%
Asian	0	0	0.0%	0	0.0%
AI	0	0	0.0%	0	0.0%
Total Stops	**72**	**53**	**73.6%**	**19**	**26.4%**



AI- American Indian

Table 11: Searches During Traffic / Pedestrian Stops

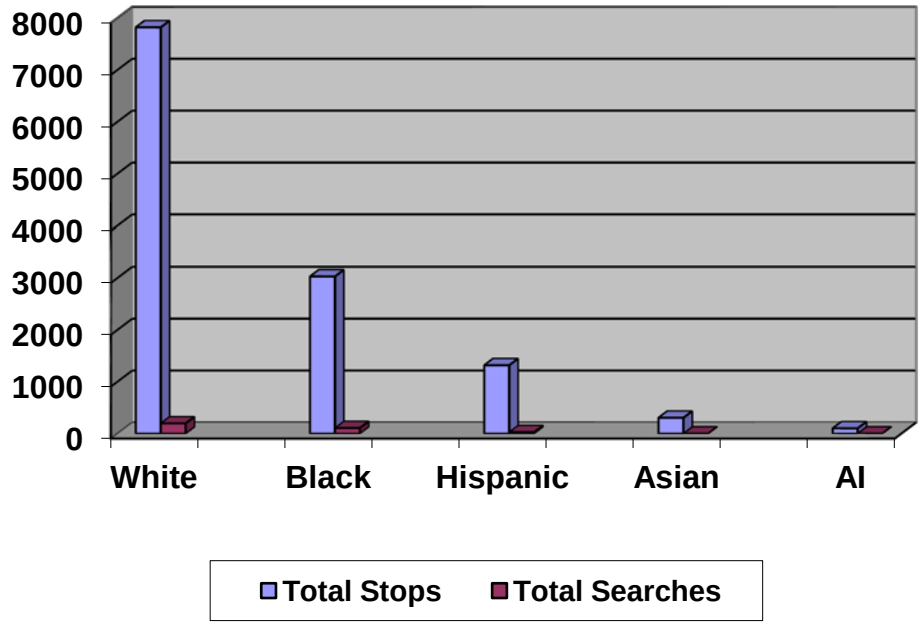
	Total	% of Total	Consent Searches	% of Consent	Population	Fair Roads
White	199	58.7%	106	60.2%	67.3%	65.2%
Black	108	31.9%	54	30.7%	26.7%	19.5%
Hispanic	28	8.2%	15	8.5%	12.0%	9.2%
Asian	2	0.6%	1	6.0%	6.6%	2.6%
AI	2	0.6%	0	0.0%	1.7%	N/A
Total Stops w/ Searches	**339**	**100%**	**176**	**100%**		



AI- American Indian

Table 12: Percentage of Persons Searched on Stops

	Total Stops	Total Searches	% Searched on Stops
White	7823	199	2.5%
Black	3031	108	3.6%
Hispanic	1319	28	2.1%
Asian	306	2	0.7%
AI	103	2	1.9%
Totals	**12582**	**339**	**2.7%**

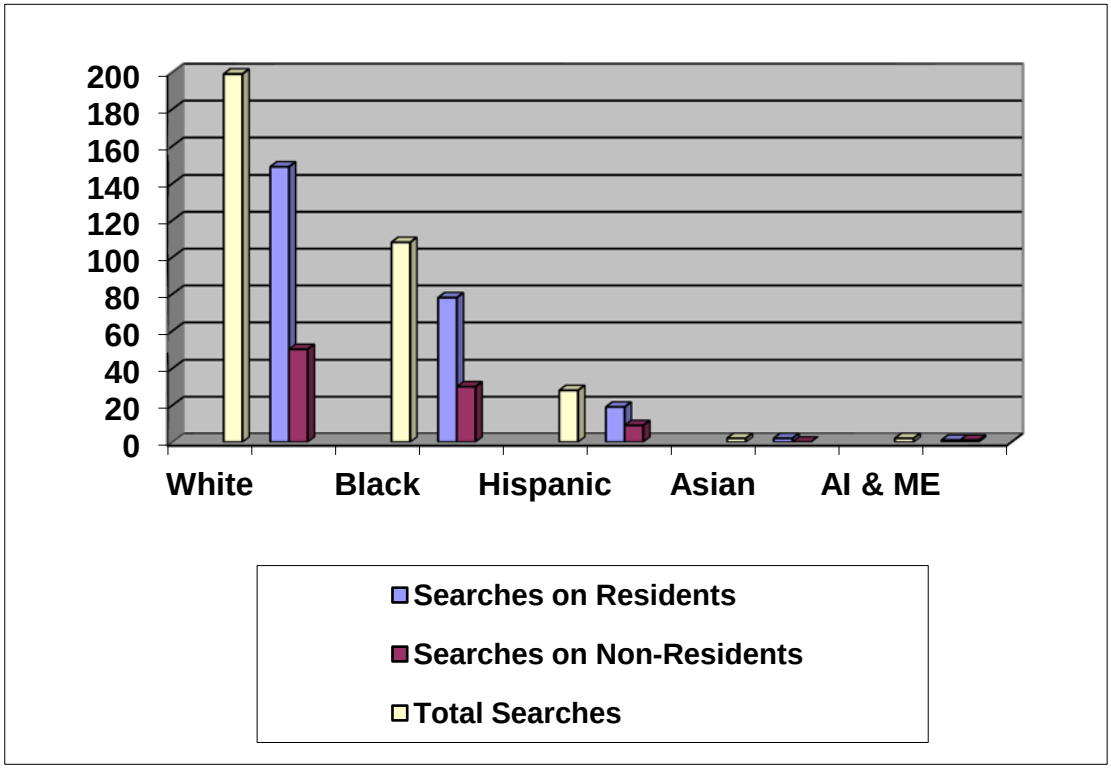


AI- American Indian

Copperas Cove Police Department
Racial Profiling Report

Table 13: Traffic / Pedestrian Searches by Resident & Non-Resident

	Total Searches	Searches on Residents	% of Searches on Residents	Searches on Non-Residents	% of Searches on Non-Residents
White	199	149	74.9%	50	25.1%
Black	108	78	72.2%	30	27.8%
Hispanic	28	19	67.9%	9	32.1%
Asian	2	2	100.0%	0	0.0%
AI & ME	2	1	20.0%	1	50.0%
Total Stops	**339**	**249**	**73.5%**	**90**	**26.5%**



AI- American Indian
ME-Middle Eastern