



PARIS POLICE DEPARTMENT

2021

RACIAL PROFILING ANALYSIS

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Executive Summary

Article 2.132-2.134 of the Texas Code of Criminal Procedure (CCP) requires the annual reporting to the local governing body of data collected on motor vehicle stops in which a ticket, citation, or warning was issued and to arrests made as a result of those stops, in addition to data collection and reporting requirements. Article 2.134 of the CCP directs that “a comparative analysis of the information compiled under 2.133” be conducted, with specific attention to the below areas:

1. 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;
2. examine the disposition of motor vehicle stops made by officers employed by the agency, categorized according to the race or ethnicity of affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction;
3. 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
4. information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

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

- **A COMPREHENSIVE REVIEW OF THE PARIS POLICE DEPARTMENT’S BIAS BASED PROFILING POLICY SHOWS THAT THE PARIS 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 PARIS 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 BOTH PRINT AND ELECTRONIC FORM REVEALS THAT THE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW ON THE RACIAL PROFILING COMPLAINT PROCESS AND PUBLIC EDUCATION ABOUT THE COMPLAINT PROCESS.**
- **ANALYSIS OF THE DATA REVEALS THAT THE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW ON THE COLLECTION OF RACIAL PROFILING DATA.**
- **THE PARIS POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW CONCERNING THE REPORTING OF INFORMATION TO TCOLE.**
- **THE PARIS POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW REGARDING CCP ARTICLES 2.132-2.134.**

Introduction

This report details an analysis of the Paris Police Department's policies, training, and statistical information on racial profiling for the year 2021. This report has been prepared to specifically comply with Article 2.132, 2.133, and 2.134 of the Texas Code of Criminal Procedure (CCP) regarding the compilation and analysis of traffic stop data. Specifically, the analysis will address Articles 2.131 – 2.134 of the CCP and make a determination of the level of compliance with those articles by the Paris Police Department in 2021. The full copies of the applicable laws pertaining to this report are contained in Appendix A.

This report is divided into six sections: (1) Paris Police Department's policy on racial profiling; (2) Paris Police Department's training and education on racial profiling; (3) Paris Police Department's complaint process and public education on racial profiling; (4) analysis of Paris Police Department's traffic stop data; (5) additional traffic stop data to be reported to TCOLE; and (6) Paris 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).

Paris Police Department Policy on Racial Profiling

A review of Paris Police Department's "Bias Based Profiling" policy revealed that the department has adopted policies in compliance with Article 2.132 of the Texas CCP (see Appendix B). There are seven specific requirements mandated by Article 2.132 that a law enforcement agency must address. All seven are clearly covered in Paris Police Department's bias based profiling policy. Paris Police Department policies provide clear direction that any form of racial profiling is prohibited and that officers found engaging in inappropriate profiling may be disciplined in accordance with Chapter 2.02 of the Paris Police Department Policies and Procedures pertaining to receipt, processing, investigation, and adjudication of complaints. The policies also provide a very clear statement of the agency's philosophy regarding equal treatment of all persons regardless of race, ethnicity, or national origin. Appendix C lists the applicable statute and corresponding Paris Police Department regulation.

A COMPREHENSIVE REVIEW OF PARIS POLICE DEPARTMENT'S BIAS BASED PROFILING POLICY SHOWS THAT THE PARIS POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH ARTICLE 2.132 OF THE TEXAS CODE OF CRIMINAL PROCEDURE.

Paris Police Department Training and Education on Racial Profiling

Texas Occupation Code § 1701.253 and § 1701.402 require that curriculum be established and training certificates issued on racial profiling for all Texas peace officers. Documentation provided by Paris Police Department reveals that all Paris Police Department officers were required to complete a course on Racial and Bias Profiling (TCOLE Certified) in 2021. Moreover, the department conducts a new employee orientation with each employee hired by the department, and this orientation includes policy training on the department's bias based profiling policy.

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

Paris Police Department Complaint Process and Public Education on Racial Profiling

Article 2.132 §(b)3-4 of the Texas Code of Criminal Procedure requires that law enforcement agencies implement a complaint process on racial profiling and that the agency provide public education on the complaint process. Paris Police Department's Bias Based Profiling Policy Section 4 covers this requirement. The City of Paris Police Department has also taken the following actions to ensure that the information relating to the policy disallowing racial profiling has been made known to the public:

- 1) Published racial profiling policy and complaint information on the City of Paris Website, under Police Department, "Your Feedback" tab:
(<https://www.paristexas.gov/120/Your-Feedback>);
- 2) Created complaint forms which are available at any time from any officer or at any time from the lobby of the police station; and
- 3) Officers of the department have been instructed on the racial profiling law and are available to, and have answered requests about, the law and complaint procedure.

A REVIEW OF THE DOCUMENTATION PRODUCED BY THE DEPARTMENT REVEALS THAT THE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW ON THE RACIAL PROFILING COMPLAINT PROCESS AND PUBLIC EDUCATION ABOUT THE COMPLAINT PROCESS.

Paris Police Department Statistical Data on Racial Profiling

Article 2.132(b) 6 and Article 2.133 requires that law enforcement agencies collect statistical information on motor vehicle stops in which a ticket, citation, or warning was issued and to arrests made as a result of those stops, in addition to other information noted previously. Paris Police Department submitted statistical information on all motor vehicle stops in 2021 and accompanying information on the race/ethnicity of the person stopped. Accompanying this data was the relevant information required to be collected and reported by law.

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

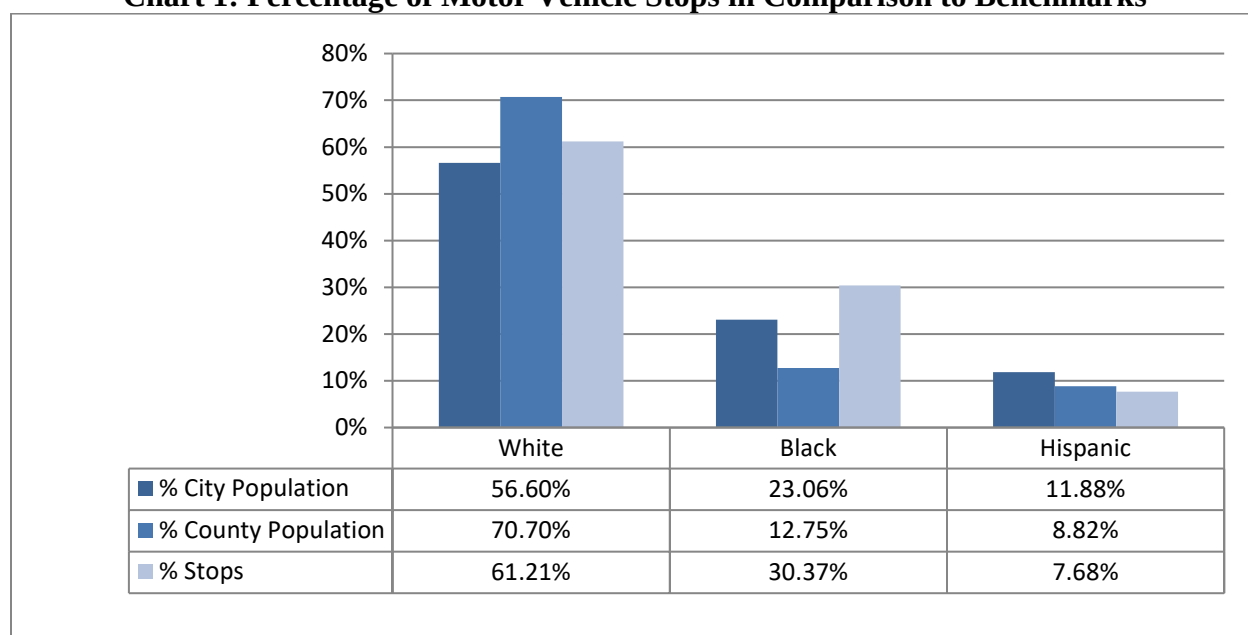
Analysis of the Data

Comparative Analysis #1:

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. Texas Code of Criminal Procedure Article 2.134(c)(1)(A)

The first chart depicts the percentages of people stopped by race/ethnicity among the total 3,411 motor vehicle stops in which a ticket, citation, or warning was issued, including arrests made, in 2021.¹

Chart 1: Percentage of Motor Vehicle Stops in Comparison to Benchmarks



White drivers constituted 61.21 percent of all drivers stopped, whereas Whites constitute 56.60 percent of the city population and 70.70 percent of the county population.²

Black drivers constituted 30.37 percent of all drivers stopped, whereas Blacks constitute 23.06 percent of the city population and 12.75 percent of the county population.

¹ There were 16 motor vehicle stops of drivers considered Asian/Pacific Islander and 9 stops of drivers considered Alaska Native/American Indian. These motor vehicle stops were not charted in the first figure of this report due to the small number of cases relative to the population and the total number of motor vehicle stops among all drivers (3,411).

² City and County populations were derived from 2020 Decennial Census Redistricting Data (DEC) of the U.S. Census Bureau. City and County populations by gender noted later in this report are based on the most recent 2019 American Community Survey estimates, as the 2020 Decennial Census Redistricting Data (DEC) does not include population counts by gender.

Hispanic drivers constituted 7.68 percent of all drivers stopped, whereas Hispanics constitute 11.88 percent of the city population and 8.82 percent of the county population.

The chart shows that White drivers are stopped at rates higher than the percentage of Whites in the city population and lower than the percentage of Whites in the county population. Black drivers are stopped at rates higher than the percentage of Blacks found in the city and county populations. Hispanic drivers are stopped at rates lower than the percentage of Hispanics found in the city and county populations.

Methodological Issues

Upon examination of the data, it is important to note that differences in overall stop rates of a particular racial or ethnic group, compared to that racial or ethnic group's proportion of the population, cannot be used to make determinations that officers have or have not racially profiled any given individual motorist. Claims asserting racial profiling of an individual motorist from the aggregate data utilized in this report are erroneous.

For example, concluding that a particular driver of a specific race/ethnicity was racially profiled simply because members of that particular racial/ethnic group as a whole were stopped at a higher rate than their proportion of the population—are as erroneous as claims that a particular driver of a specific race/ethnicity could NOT have been racially profiled simply because the percentage of stops among members of a particular racial/ethnic group as a whole were stopped at a lower frequency than that group's proportion of the particular population base (e.g., city or county population). In short, aggregate data as required by law and presented in this report cannot be used to prove or disprove that a member of a particular racial/ethnic group was racially profiled. Next, we discuss the reasons why using aggregate data—as currently required by the state racial profiling law—are inappropriate to use in making claims that any individual motorist was racially profiled.

Issue #1: Using Group-Level Data to Explain Individual Officer Decisions

The law dictates that police agencies compile aggregate-level data regarding the *rates* at which agencies *collectively* stop motorists in terms of their race/ethnicity. These aggregated data are to be subsequently analyzed in order to determine whether or not *individual* officers are “racially profiling” motorists. This methodological error, commonly referred to as the “ecological fallacy,” defines the dangers involved in making assertions about individual officer decisions based on the examination of aggregate stop data. **In short, one cannot prove that an individual officer has racially profiled any individual motorist based on the rate at which a department stops any given group of motorists.** In sum, aggregate level data cannot be used to assess individual officer decisions, but the state racial profiling law requires this assessment.

Issue #2: Problems Associated with Population Base-Rates

There has been considerable debate as to what the most appropriate population “base-rate” is in determining whether or not racial/ethnic disparities exist. The base-rate serves as the benchmark for comparison purposes. The outcome of analyses designed to determine whether or not disparities exist is dependent on which base-rate is used. While this report utilized the most recent 2020 Census as a population base-rate, this population measure can become quickly outdated, can be inaccurate, and may not keep pace with changes experienced in city and county population

measures. Utilizing a different base rate can make differences regarding whether disproportionality exists or not. Even then, as noted above, disproportionality in the rate of stops among different racial/ethnic groups does not automatically equate to a finding of racial profiling.

In addition, the validity of the benchmark base-rate becomes even more problematic if analyses fail to distinguish between residents and non-residents who are stopped. This is because the existence of significant proportions of non-resident stops will lead to invalid conclusions if racial/ethnic comparisons are made exclusively to resident population figures. **In sum, a valid measure of the driving population does not exist. As a proxy, census data is used which is problematic as an indicator of the driving population.** In addition, stopped motorists who are not residents of the city or county where the motor vehicle stop occurred are not included in the benchmark base-rate.

Issue #3: Officers Do Not Know the Race/Ethnicity of the Motorist Prior to the Stop

As illustrated in Table 3 near the end of this report, of the 3,411 motor vehicle stops in 2021, the officer knew the race/ethnicity of the motorist prior to the stop in 2.35% of the stops (80/3,411). This percentage is consistent across law enforcement agencies throughout Texas. An analysis of all annual racial profiling reports submitted to the Texas Commission on Law Enforcement, as required by the Texas racial profiling law, found that in 2.9% of the traffic stops in Texas, the officer knew the race/ethnicity of the motorist prior to the stop.³ The analysis included 1,186 Texas law enforcement agencies and more than 3.25 million traffic stops.

As noted, the legal definition of racial profiling in the Texas Code of Criminal Procedure Article 3.05 is “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.”

Almost always, Paris PD officers do not know the race/ethnicity of the motorist prior to the stop. This factor further invalidates any conclusions drawn from the stop data presented in Chart 1. If an officer does not know the race/ethnicity of the motorist prior to the stop, then the officer cannot, by legal definition, be racial profiling. Racial profiling is a law-enforcement action based on the race/ethnicity of an individual. If the officer does not know the person's race/ethnicity before the action (in this case, stopping a vehicle), then racial profiling cannot occur.

Based on this factor, post-stop outcomes are more relevant for a racial profiling assessment, as presented later in this report, in comparison to initial motor vehicle stop data disaggregated by race/ethnicity. Once the officer has contacted the motorist after the stop, the officer has identified the person's race/ethnicity and all subsequent actions are more relevant to a racial profiling assessment than the initial stop data.

In short, the methodological problems outlined above point to the limited utility of using aggregate level comparisons of the rates at which different racial/ethnic groups are stopped in order to determine whether or not racial profiling exists within a given jurisdiction.

³ Winkler, Jordan M. (2016). *Racial Disparity in Traffic Stops: An Analysis of Racial Profiling Data in Texas*. Master's Thesis. University of North Texas.

Table 1 reports the summaries for the total number of motor vehicle stops in which a ticket, citation, or warning was issued, and to arrests made as a result of those stops, by the Paris Police Department in 2021. Table 1 and associated analyses are utilized to satisfy the comparative analyses as required by Texas law, and in specific, Article 2.134 of the CCP.

Comparative Analysis #2:

Examine the disposition of motor vehicle stops made by officers employed by the agency, categorized according to the race or ethnicity of affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction. Texas Code of Criminal Procedure Article 2.134(c)(1)(B)

As shown in Table 1, there were a total of 3,167 motor vehicle stops in 2021 in which a ticket, citation, or warning was issued. The table also shows arrests made as a result of those stops. Roughly 46 percent of stops resulted in a verbal warning (1,563/3,411), roughly 28 percent of stops resulted in a written warning, and roughly 18 percent resulted in a citation. Together, these actions constituted roughly 92 percent of all result of stop actions and will be discussed in more detail below.

Specific to actions that occurred within each racial/ethnic group, White motorists received a **verbal warning** in roughly 45 percent of stops involving White motorists (930/2,088), Black motorists received a verbal warning in roughly 47 percent of stops of Black motorists, and Hispanic motorists received a verbal warning in roughly 51 percent of stops of Hispanic motorists.

Specific to **written warnings**, White motorists received a written warning in roughly 31 percent of stops involving White motorists (647/2,088), Black motorists received a written warning in roughly 22 percent of stops of Black motorists, and Hispanic motorists received a written warning in roughly 24 percent of stops of Hispanic motorists.

Specific to **citations**, White motorists received a citation in roughly 17 percent of stops involving White motorists (350/2,088), Black motorists received a citation in roughly 19 percent of stops of Black motorists, and Hispanic motorists received a citation in roughly 21 percent of stops of Hispanic motorists.

As illustrated in Table 1, of the 3,411 total stops, 291 **arrests** [written warning and arrest (22), citation and arrest (43) and sole arrests (226)] were made in 2021, and this accounts for 8.5% percent of all stops. White motorists were arrested in roughly 8 percent of stops involving White motorists (Written Warning and Arrest + Citation and Arrest + Arrest = 161/2,088), Black motorists were arrested in roughly 11 percent of stops involving Black motorists, and Hispanics were arrested in roughly 4 percent of stops involving Hispanic motorists. Most commonly, arrests were due to an **outstanding warrant** (57.7%; 168/291) or a **violation of the penal code** (40.9%; 119/291).

Finally, as presented in Table 1, **physical force resulting in bodily injury** occurred during three stops in 2021. Of the 3,411 total stops, three involved physical force resulting in bodily injury. In each instance, the injury occurred to the suspect.

Table 1: Traffic Stops and Outcomes by Race/Ethnicity

Stop Table	White	Black	Hispanic /Latino	Asian /Pacific Islander	Alaska Native /American Indian	Total
Number of Stops	2,088	1,036	262	16	9	3,411
Gender						
Female	876	394	59	3	4	1,336
Male	1,212	642	203	13	5	2,075
Reason for Stop						
Violation of Law	99	46	7	0	0	152
Preexisting Knowledge	8	6	1	0	0	15
Moving Traffic Violation	1,088	509	140	13	6	1,756
Vehicle Traffic Violation	893	475	114	3	3	1,488
Result of Stop						
Verbal Warning	930	490	133	6	4	1,563
Written Warning	647	226	62	6	5	946
Citation	350	202	56	3	0	611
Written Warning and Arrest	11	11	0	0	0	22
Citation and Arrest	23	18	2	0	0	43
Arrest	127	89	9	1	0	226
Arrest Based On						
Violation of Penal Code	72	42	4	1	0	119
Violation of Traffic Law	3	0	1	0	0	4
Violation of City Ordinance	0	0	0	0	0	0
Outstanding Warrant	86	76	6	0	0	168
Physical Force Resulting in Bodily Injury Used?						
No	2,086	1,036	261	16	9	3,408
Yes	2	0	1	0	0	3

Comparative Analysis #3:

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. Texas Code of Criminal Procedure Article 2.134(c)(1)(C)

In 2021, a total of 547 **searches** of motorists were conducted, or roughly 16 percent of all stops resulted in a search (547/3,411). Among searches within each racial/ethnic group, White motorists were searched in roughly 15 percent of all stops of White motorists (323/2,088), Black motorists were searched in roughly 19 percent of all stops of Black motorists, and Hispanic motorists were searched in roughly 11 percent of all stops of Hispanic motorists.

As illustrated in Table 2, the most common reason for a search was consent (46.6%; 255/547), which is regarded as a discretionary as opposed to a non-discretionary search. Relative to the total number of stops (3,411), discretionary consent searches occurred in 7.5 percent of stops (255 total consent searches). Among **consent searches** within each racial/ethnic group, White motorists were searched based on consent in 51.4 percent of all searches of White motorists (166/323), Black motorists were searched based on consent in 36.5 percent of all searches of Black motorists, and Hispanic motorists were searched based on consent in 53.6 percent of all searches of Hispanic motorists (15 consent searches out of a total 28 searches of Hispanic motorists).

The second most common reason for searches (see Table 2) was probable cause (35.1%; 192/547). Among **searches based on probable cause** within each racial/ethnic group, White motorists were searched based on probable cause in 34.4 percent of all searches of White motorists (111/323), Black motorists were searched based on probable cause in 37.0 percent of all searches of Black motorists, and Hispanic motorists were searched based on probable cause in 35.7 percent of all searches of Hispanic motorists (10 probable cause searches out of a total 28 searches of Hispanic motorists).

Of the searches that occurred in 2021, and as shown in Table 2, **contraband was discovered** in 280 or 51.2 percent of all searches (280/547 total searches). Most frequently, the contraband discovered in searches was drugs; 65% of the contraband discovered (182/280 contraband discoveries). Finally, as illustrated in Table 2, when contraband was discovered, motorists were arrested 14.3 percent of the time (40 arrests / 280 contraband discoveries).

Table 2: Searches and Outcomes by Race/Ethnicity

Search Table	White	Black	Hispanic /Latino	Asian /Pacific Islander	Alaska Native /American Indian	Total
Search Conducted						
Yes	323	192	28	3	1	547
No	1,765	844	234	13	8	2,864
Reason for Search						
Consent	166	70	15	3	1	255
Contraband in Plain View	8	13	1	0	0	22
Probable Cause	111	71	10	0	0	192
Inventory	33	35	2	0	0	70
Incident to Arrest	5	3	0	0	0	8
Was Contraband Discovered						
Yes	170	91	16	2	1	280
No	153	101	12	1	0	267
Description of Contraband						
Drugs	117	54	9	1	1	182
Weapons	3	5	0	0	0	8
Currency	0	1	0	0	0	1
Alcohol	23	22	5	1	0	51
Stolen Property	0	0	0	0	0	0
Other	27	9	2	0	0	38
Did Discovery of Contraband Result in Arrest?						
Yes	27	12	1	0	0	40
No	143	79	15	2	1	240

Comparative Analysis #4:

Information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling. Texas Code of Criminal Procedure Article 2.134 (c)(2)

In 2021, internal records indicate that the Paris Police Department received no complaints alleging that a peace officer employed by the agency engaged in racial profiling.

Additional Analysis:

Statistical analysis of motor vehicle stops relative to the gender population of the agency's reporting area. This analysis is presented in the report based on a December 2020 email sent from TCOLE to law enforcement executives in Texas.

In 2021, 3,411 motor vehicle stops were made by the Paris Police Department. Of these stops, 1,336 or roughly 39 percent were female drivers (1,336/3,411), and roughly 61 percent were male drivers (see Table 1).

According to 2019 American Community Survey (ACS) city and county population estimates of the U.S. Census Bureau, the City of Paris was composed of 54.6 percent females and 45.4 percent males. County population 2021 ACS estimates indicate that females accounted for 52.1 percent of the county population and males accounted for 47.9 percent of the county population.

Overall, in 2021, males were stopped at rates higher than their proportion of the city and county populations.

Additional Information Required to be Reported to TCOLE

Table 3 below provides additional information relative to motor vehicle stops in 2021 by the Paris Police Department. The data are required to be collected by the Paris Police Department under the Texas Code of Criminal Procedure Article 2.133.

As previously noted, the Paris Police Department received no complaints alleging that a peace officer employed by the agency engaged in racial profiling. Furthermore, as previously discussed, of the 3,411 motor vehicle stops in 2021, the officer knew the race/ethnicity of the motorist prior to the stop in 2.35% of the stops (80/3,411).

Table 3: Additional Information

Additional Information	Total
Was Race/Ethnicity Known Prior to Stop	
Yes	80
No	3,331
Approximate Location of Stop	
City Street	2,721
US Highway	651
County Road	8
State Highway	0
Private Property/Other	31
Number of Complaints of Racial Profiling	0
Resulted in Disciplinary Action	0
Did Not Result in Disciplinary Action	0

Analysis of Racial Profiling Compliance by Paris Police Department

The foregoing analysis shows that the Paris Police Department is fully in compliance with all relevant Texas laws concerning racial profiling, including the existence of a formal policy prohibiting racial profiling by its officers, officer training and educational programs, a formalized complaint process, and the collection of data in compliance with the law.

In addition to providing summary reports and analysis of the data collected by the Paris Police Department in 2021, this report also included an extensive presentation of some of the limitations involved in the level of data collection currently required by law and the methodological problems associated with analyzing such data for the Paris Police Department as well as police agencies across Texas.

Appendix A

Racial Profiling Statutes and Laws

Texas Racial Profiling Statutes

Art. 3.05. RACIAL PROFILING.

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

Added by Acts 2001, 77th Leg., ch. 947, Sec. 2, eff. Sept. 1, 2001.

Art. 2.131. RACIAL PROFILING PROHIBITED.

A peace officer may not engage in racial profiling.

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

Art. 2.132. LAW ENFORCEMENT POLICY ON RACIAL PROFILING.

(a) In this article:

(1) "Law enforcement agency" means an agency of the state, or of a county, municipality, or other political subdivision of the state, that employs peace officers who make motor vehicle stops in the routine performance of the officers' official duties.

(2) "Motor vehicle stop" means an occasion in which a peace officer stops a motor vehicle for an alleged violation of a law or ordinance.

(3) "Race or ethnicity" means 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 compliment and complaint process, including providing the telephone number, mailing address, and e-mail address to make a compliment 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 (H.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.

Art. 2.136. LIABILITY.

A peace officer is not liable for damages arising from an act relating to the collection or reporting of information as required by Article 2.133 or under a policy adopted under Article 2.132.

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

Art. 2.137. PROVISION OF FUNDING OR EQUIPMENT.

(a) The Department of Public Safety shall adopt rules for providing funds or video and audio equipment to law enforcement agencies for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras, 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 in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras. 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 in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras, 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 in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras, 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 taken the necessary actions to use and is using video and audio equipment and body worn cameras for those purposes.

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

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 950 (S.B. 1849), Sec. 5.04, eff. September 1, 2017.

Art. 2.138. RULES.

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

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

Art. 2.1385. CIVIL PENALTY.

(a) If the chief administrator of a local law enforcement agency intentionally fails to submit the incident-based data as required by Article 2.134, the agency is liable to the state for a civil penalty in an amount not to exceed \$5,000 for each violation. The attorney general may sue to collect a civil penalty under this subsection.

(b) From money appropriated to the agency for the administration of the agency, the executive director of a state law enforcement agency that intentionally fails to submit the incident-based data as required by Article 2.134 shall remit to the comptroller the amount of \$1,000 for each violation.

(c) Money collected under this article shall be deposited in the state treasury to the credit of the general revenue fund.

Added by Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 29, eff. September 1, 2009.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 950 (S.B. 1849), Sec. 5.05, eff. September 1, 2017.

Appendix B

Paris Police Department Racial Profiling Policy

**PARIS POLICE DEPARTMENT
POLICY AND PROCEDURES MANUAL**

	<i>Subject:</i> Bias Based Profiling		<i>Policy Number:</i> 2.01.01
	<i>Effective Date:</i> 01/31/2010	<i>Distribution:</i> All Police Officers	<i>Amended Date:</i> 01/01/2018
<i>Review Date:</i> Annually	<i>TPCA BPRP Number:</i> 2.01	<i>Page:</i> 1 of 5	

SECTION 1 POLICY STATEMENT

It is the policy of the Paris Police Department to give equal treatment under the law to all people, regardless of race, color, religion, sex, politics, national origin, lifestyle, age, economic status or similar characteristics. The officers of the Paris Police Department will only stop or detain citizens when reasonable suspicion to believe they have committed, are committing, or are about to commit a violation of the law, or for other lawful purposes. Officers of the Paris Police Department are strictly prohibited from initiating any action that constitutes racial or biased-based profiling.

SECTION 2 PURPOSE

The purpose of this policy is to give practical meaning by establishing procedures to ensure that racial profiling, or other bias-based profiling, is not found in the practices of the Department.

SECTION 3 DEFINITIONS

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

Bias-based Profiling – The detention, interdiction, search or seizure of any person based solely upon the person's age, gender, sexual orientation, race, color, creed, ethnicity, national origin, or similar personal characteristic.

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.

Reasonable Suspicion – Specific facts and circumstances, and reasonable inferences from those facts and circumstances, that would lead a person of reasonable prudence to believe that some type of criminal activity is afoot, and the detainee(s) are somehow involved.

Motor Vehicle Stop – occurs when a peace officer stops a vehicle for an alleged violation of a law, investigative stop or ordinance regulating traffic and includes any stop regardless of a citation being issued, an arrest being made or a written

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or verbal warning.

Detention – any restriction upon a person's liberty imposed by a peace officer.

Seizure – any taking of property from an individual without the individual's consent or any restriction of an individual's liberty without the individual's consent. A detention will be considered a seizure, as will an arrest.

Acts Constituting Racial Profiling – Acts initiating law enforcement action, such as a motor vehicle 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.

Racial Profiling Data Collection - The statute requires 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:

- (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

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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 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.

SECTION 4 PROCEDURES

1. Public Information - The statute provides the officer provide the stopped individual public education relating to the agency's compliment and complaint process, including providing the telephone number, mailing address, and email address to make a compliment or complaint with respect to each ticket, citation, or warning issued by a peace officer.
2. The Department will inform the public of its policy against racial profiling and the process by which a citizen may make a complaint against a department employee via the Paris Police Department web page site, in the lobby of the police department and at the Paris Public Library.
3. Stops / Detentions - In the absence of a specific credible report containing a physical description, a person's gender, sexual orientation, race, color, creed, ethnicity, national origin, or similar personal characteristic, or any combination of these may be a contributing factor but shall not be the sole factor in determining probable cause for an arrest or reasonable suspicion for a stop.
4. Oversight and Review - Traffic enforcement will be accompanied by consistent, ongoing supervisory oversight to ensure that officers do not go beyond the parameters of reasonableness in conducting such activities.
 - A. Supervisors shall ensure compliance with this and other applicable directives.
 - B. A minimum of five traffic stops will be reviewed by the patrol shift supervisor each month including both patrol car video and body worn video.

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- C. The motor vehicle stop reviews will be documented and submitted to records.
- D. The department will retain video and audio of all traffic stops for a minimum of 90 days. Any traffic stop which meets reporting criteria resulting in a custodial arrest shall be noted in the records management system arrest module custom tab. This includes any video and audio made while using a body worn video system.
- E. Any motor vehicle stop which meets reporting criteria resulting in a citation being issued shall be documented by completing all citation fields requiring any racial profiling data or if a ticket writer is not available, by entering the information into the court records management system.

5. Motor Vehicle Recording (MVR) Equipment.

- A. All marked patrol vehicles are equipped with video cameras. The video and sound shall be activated before all motor vehicle stops, to record the actions of the vehicle and/or behavior of the person, and shall remain activated until the person is released. (Refer to 7.27.01 – Mobile Video Recording)
- B. Patrol Officers are responsible for ensuring patrol car and BWC mobile video recording is functional or report the malfunction to the on-duty shift supervisor.
- C. Video and audio will be maintained for a period of ninety (90) days before being deleted.

6. Reporting

- A. The Office of Professional Standards will submit a quarterly and cumulative report to the Chief of Police concerning citation and arrest data, and supervisory oversight of MVR recordings.

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- B. The Office of Professional Standards will perform a comparative analysis of the data collected.
1. Analysis will be based on a calendar year
 2. Summary reports of the analysis must be submitted to the Chief of Police
 3. The report must include:
 - a. A determination of the prevalence of racial profiling;
 - b. An examination of the disposition of motor vehicle stops, including searches resulting from the stops; and
 - c. Information relating to each complaint within the department alleging racial profiling.
 4. The report may not include identifying information about an officer or about the person stopped.
- C. The Chief of Police shall submit to the City Council, an annual report concerning citation and arrest data collected in the preceding year and according to statute to the Texas Commission on Law Enforcement Officer Standards and Education.
- D. Complaint Process

Any individual who believes that a peace officer employed by this department has engaged in racial profiling with respect to the individual, may file a complaint with any supervisor of the department. In accordance with Article 2.132(f) of the Code of Criminal Procedures, an officer who is the subject of a racial profiling complaint will be provided a copy of the recording of the traffic or pedestrian stop in question, upon written request by the officer. The complaint will be received, processed, investigated, and adjudicated in accordance with chapter (2.02) of the Paris Police Department Policies and Procedures.

Appendix C

Racial Profiling Laws and Corresponding Department Policies

Texas CCP Article	PARIS POLICE DEPARTMENT Racial Profiling Policy 2.01.01
2.132(b)1	Section 3 Definitions
2.132(b)2	Section 1 Policy Statement
2.132(b)3	Section 4 (1-2) Procedures & Section 6 (D)
2.132(b)4	Section 4 (1-2) Procedures
2.132(b)5	Section 6 (D) Complaint Process
2.132(b)6	Section 3 Definitions (Racial Profiling Data Collection)
2.132(b)7	Section 6 (C) Reporting