



DALLAS POLICE DEPARTMENT

2009

RACIAL PROFILING ANALYSIS

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Executive Summary

Article 2.132 (7) of the Texas Code of Criminal Procedure requires the annual reporting to the local governing body of data collected on the race or ethnicity of individuals stopped and issued citations or arrested for traffic violations and whether or not those individuals were searched. Since the law provides no clear instruction to a governing body on how to review such data, the Dallas Police Department requested this analysis and review to assist the City Council in reviewing the data.

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

- **A COMPREHENSIVE REVIEW OF THE DALLAS POLICE DEPARTMENT REGULATIONS, SPECIFICALLY DALLAS POLICE DEPARTMENT GENERAL ORDERS 431.07 OUTLINING THE DEPARTMENT'S POLICY CONCERNING RACIAL PROFILING, TRAINING BULLETIN NUMBERS 2001-14, 2002-08, AND 2003-02, AND INFORMATION CONTAINED ON THE DEPARTMENT'S WEBSITE AT WWW.DALLASPOLICE.NET SHOWS THAT THE DALLAS 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 DALLAS 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 ANALYSIS OF STATISTICAL INFORMATION FROM DALLAS POLICE DEPARTMENT REVEALS THAT THERE ARE NO METHODOLOGICALLY CONCLUSIVE INDICATIONS OF SYSTEMIC RACIAL PROFILING BY THE DEPARTMENT.**
- **THE DALLAS POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW CONCERNING THE PROHIBITION OF RACIAL PROFILING.**

Introduction

This report details an analysis of the Dallas Police Department's policies, training, and statistical information on racial profiling for the year 2009. This report has been prepared to specifically comply with Article 2.132 of the Texas Code of Criminal Procedure (CCP) regarding the compilation and analysis of racial profiling data. Specifically, the analysis will address Articles 2.131 – 2.135 of the CCP and make a determination of the level of compliance with those articles by the Dallas Police Department in 2009. The full copies of the applicable laws and regulations pertaining to this report are contained in Appendix A.

This report is divided into five sections: Dallas Police Department's policy on racial profiling; Dallas Police Department's training and education on racial profiling; Dallas Police Department's complaint process and public education on racial profiling; analysis of statistical data on racial profiling; and an analysis of Dallas 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).

Dallas Police Department Policy on Racial Profiling

A review of the documentation provided by the Dallas Police Department revealed that the department has adopted policies to be 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 the documents provided by the Dallas Police Department. The regulations provide clear direction that any form of racial profiling is prohibited and that officers found engaging in inappropriate profiling may be disciplined up to and including termination. The regulations also provide a very clear statement of the agency's philosophy regarding equal treatment of all persons regardless of race, ethnicity, or social status. Appendix C lists the applicable statute and corresponding Dallas Police Department regulation.

A COMPREHENSIVE REVIEW OF DALLAS POLICE DEPARTMENT REGULATIONS SHOWS THAT THE DALLAS POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH ARTICLE 2.132 OF THE TEXAS CODE OF CRIMINAL PROCEDURE.

Dallas 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. Information provided by the Dallas Police Department reveals that racial profiling training and certification did occur in 2009 and was provided to all officers requiring such training.

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

Dallas 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. The Dallas Police Department website (www.dallaspolice.net) provides extensive information to citizens interested in filing a complaint, including those related to 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.

Dallas Police Department Statistical Data on Racial Profiling

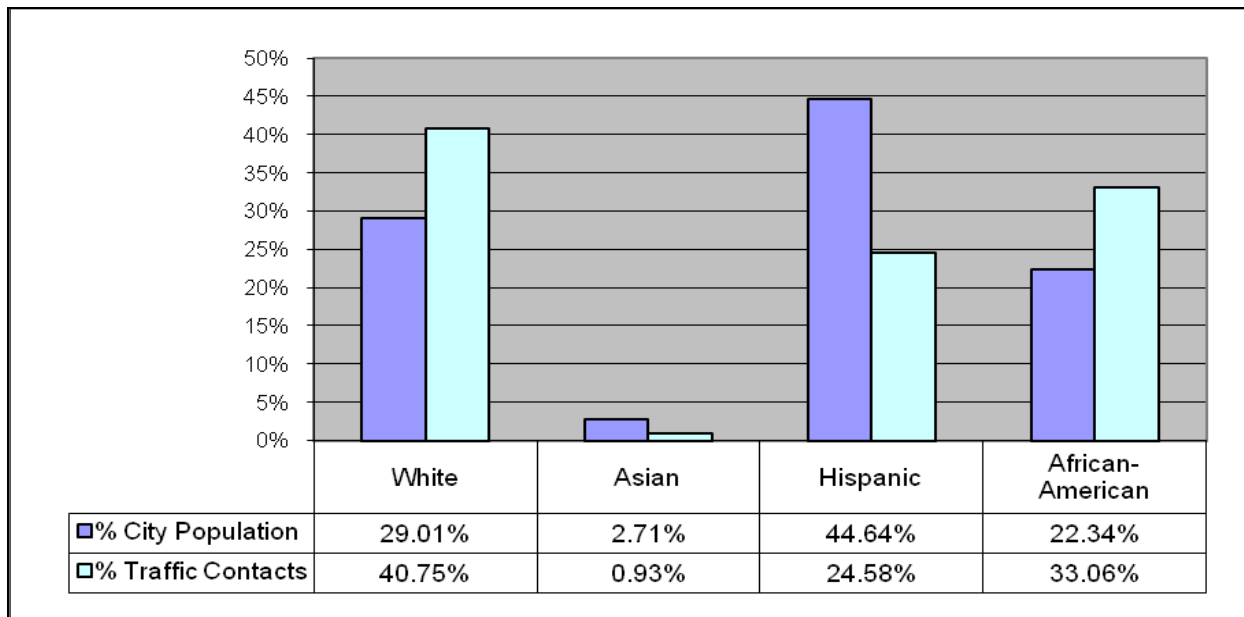
Article 2.132(b) 6 requires that law enforcement agencies collect statistical information on traffic stops resulting in citation with specific information on the race of the person cited. In addition, information concerning searches of persons and whether or not the search was based on consent is also required to be collected. The Dallas Police Department submitted statistical information on all traffic contacts (i.e., traffic stops resulting in a citation being issued) in 2009 and accompanying information on the race of the person cited. Accompanying this data was the relevant information on searches and arrests.

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

The first chart depicts the percentages of people cited by race (others and unknowns are not charted due to extremely small number of cases). The total number of citations has decreased over the last several years from 2006 (267,094) to 2007 (230,084) to 2008 (206,166) to 2009 (189,032). In 2009, White drivers constituted 40.75 percent of all drivers cited, whereas Whites constituted 29.01 percent of the city population.¹ African-American drivers constituted 33.06 percent of all drivers cited, whereas African-Americans constituted 22.34 percent of the city population. Hispanic drivers constituted 24.58 percent of all drivers cited, whereas Hispanics constituted 44.64 percent of the city population.

¹ Population figures for the City of Dallas are derived from the US Census Bureau's 2008 American Community Survey. The American Community Survey is a nationwide survey designed to provide updated population and demographic information for communities with populations greater than 65,000 persons. The survey details how communities have changed in terms of population and demographics since the 2000 Census.



The chart shows that Whites are cited at rates higher than the percentage of Whites in the city population. African-Americans are cited at rates higher than the percentage of African-Americans in the city population. Hispanics are cited at rates that are much lower than the percentage of Hispanics in the city population.

The chart shows some degree of disparity in the rates at which drivers were cited across the racial categories, however, easy determinations regarding whether or not Dallas officers have racially profiled a given motorist are impossible given the nature of the data that has been collected and presented for this report. 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 level 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. This kind of determination necessarily requires an examination of data at the individual officer level and a more detailed analysis of individual officer decision-making. Unfortunately, the law does not currently require the collection of this type of data, resulting in a considerable amount of conjecture as to the substantive meaning of aggregate level disparities when they do occur.

Additional interpretation problems remain in regards to the specific measurement of racial profiling as defined by Texas state code. For example, officers are currently forced to make subjective determinations regarding an individual's race based on his or her personal observations because the Texas Department of Public Safety does not provide an objectively-based determination of an individual's race/ethnicity on the Texas driver's license. The absence of any verifiable race/ethnicity data on the driver's license is especially troubling given the racial

diversity within the City of Dallas and the North Texas region as a whole, and the large numbers of citizens who are of Hispanic and/or mixed racial descent. The validity of any racial/ethnic disparities discovered in the aggregate level data becomes threatened in direct proportion to the number of subjective "guesses" officers are forced to make when trying to determine an individual's racial/ethnic background.

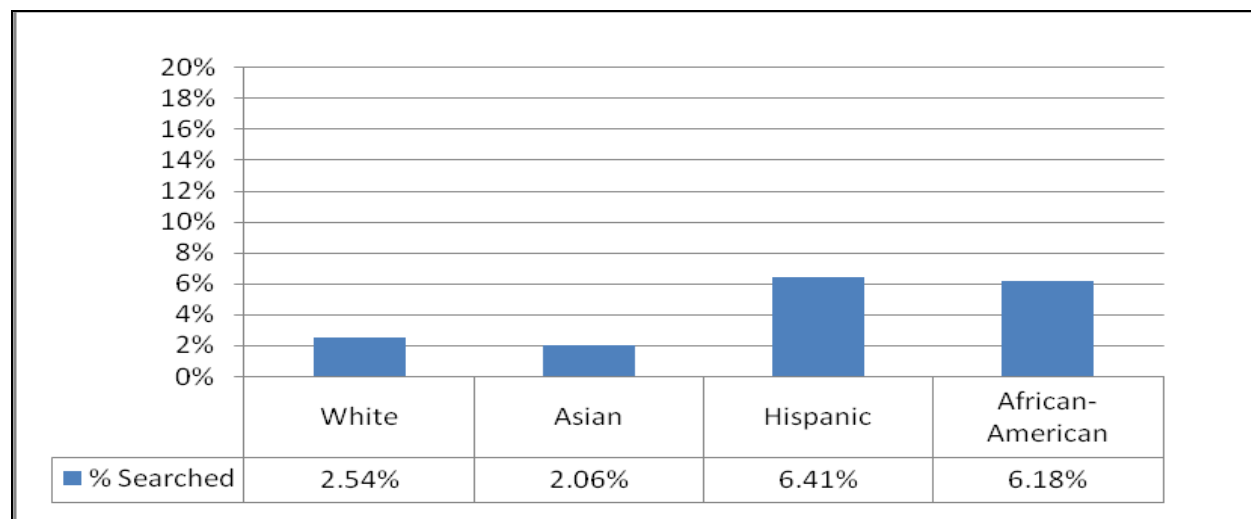
In addition, the data collected for the current report does not allow for an analysis that separates (or disaggregates) the discretionary decisions of officers to stop a motorist from those that are largely non-discretionary. For example, non-discretionary stops of motorists based on the discovery of outstanding warrants should not be analyzed in terms of whether or not profiling has occurred simply because the officer who has stopped a motorist as a result of the discovery of an outstanding warrant does not *independently* make the decision to stop, but rather, is required to stop that individual regardless of any determination of race. An officer cannot be determined to be racially profiling when organizational rules and state codes compel them to stop regardless of an individual's race/ethnicity. Straightforward aggregate comparisons of stop and/or citation rates ignore these realities, and fail to distinguish between discretionary and non-discretionary law enforcement actions. In the future, this validity issue could be lessened by the collection of data indicating the initial reason for the traffic stop, whether it be an observed traffic violation, other criminal activity, the existence of an outstanding warrant, or some other reason.

Finally, there has been considerable debate as to what the most appropriate population "base-rate" is in determining whether or not racial/ethnic disparities exist. Questions concerning the most appropriate base-rate are most problematic in the case of traffic stops, because there are problems associated with using any number of different population measures to determine whether or not aggregate level racial disparities exist. The determination of valid stop base-rates becomes multiplied if analyses fail to distinguish between residents and non-residents who are stopped, 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 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.

The table below reports the summaries for the total number of persons cited, searched, and/or arrested by the Dallas Police Department subsequent to a traffic stop. In addition, the table shows the number of cited individuals who granted consent to search. The table shows that White drivers accounted for 22.13 percent of all searches (1,959/8,853), Hispanic drivers accounted for 33.64 percent of all searches (2,978/8,853), and African-American drivers accounted for 43.61 percent of all searches (3,861/8,853). The majority of all searches (65 percent) did not occur as a result of the driver giving consent to search (3,082/8,853 or 34.81 percent of searches were consent searches). The rate at which drivers were searched based on consent was slightly higher among Whites (38.39 percent of all searches that involved Whites were consensual) in comparison to both African-Americans (34.76 percent of all searches that involved African-Americans were consensual) and Hispanics (32.71 percent of all searches that involved Hispanics were consensual). White drivers constituted 24.06 percent of all drivers who were arrested. Hispanic drivers constituted 39.50 percent of all drivers who were arrested, and African-American drivers constituted 35.11 percent of all drivers who were arrested. However, total number of custody arrests decreased from 2007 (7,993) to 2008 (7,090) to 2009 (6,967).

Action	White	Asian	Hispanic	African-American	Native Amer./Other	Total
Traffic Contacts	77,049	1,749	46,469	62,489	1,276	189,032
Searched	1,959	36	2,978	3,861	19	8,853
Consent	752	9	974	1,342	5	3,082
Custody Arrests	1,676	56	2,752	2,446	37	6,967

The bar chart below presents the percentage of drivers who were searched within each racial category. The chart indicates that drivers who were cited were rarely searched across the racial categories. The vast majority of cited drivers were not searched at all. Out of the 189,032 cited drivers, only 8,853 were searched (4.68 percent). Furthermore, only 2.54 percent of all White drivers who were cited were also searched, 6.41 percent of all Hispanic drivers who were cited were searched, and 6.18 percent of all African-American drivers who were cited were searched. All racial groups were searched at a comparable rate in 2009 compared to 2007 and 2008 search figures. For example, African-American drivers were searched in 7.04 percent of stops that resulted in a citation in 2007, 5.36 percent in 2008, and 6.18 percent in 2009. Similar figures are found for White drivers (2.78 percent in 2007 to 2.30 percent in 2008 to 2.54 percent in 2009), Asian drivers (4.72 percent in 2007 compared to 3.04 percent in 2008 compared to 2.06 percent in 2009), and Hispanic drivers (7.72 percent in 2007 compared to 6.02 percent in 2008 and 6.41 percent in 2009).



It should be noted that aggregate level comparisons regarding the rates at which drivers are searched by police are subject to some of the same methodological issues as those outlined above regarding analyses of aggregate level stop rates. Of particular concern is the absence of any analyses that separates discretionary searches from non-discretionary searches. For example, searches that are conducted incident to an arrest or as part of a vehicle tow inventory should not be included in analyses designed to examine whether or not racial profiling has occurred because these types of searches are non-discretionary in that the officer is compelled by law or departmental guidelines to conduct the search irrespective of the race of the stopped driver.

Analysis of Racial Profiling Compliance by Dallas Police Department

The foregoing analysis shows that the Dallas 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. Data presented by the Dallas Police Department indicates that the department received a total of twenty (20) complaints where the citizen alleged that racial profiling had *occurred as a result of a traffic stop* in 2009. The citizen was African-American in fourteen (14) of those complaints, Hispanic in four (4) complaints, White in one (1) complaint, and the race of complainant was “unknown” in one (1) complaint. The officer involved was White in thirteen (13) of those complaints, African-American in one (1) complaint, Hispanic in four (4) complaints, and the remaining two (2) complaints involved two-officer combinations including Black/White and Asian/White. Upon further investigation, sixteen (16) of the complaints were disposed as unfounded and four (4) complaints were pending at the writing of this report.

In addition to providing summary reports and analysis of the data collected by the Dallas Police Department in 2009, 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 Dallas Police Department as well as police agencies across Texas. The Dallas Police Department should continue its educational and training efforts within the department on racial profiling. Finally, the department should conduct periodic evaluations to assess patterns of officer decision-making on traffic stops.

Appendix A 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, § 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, § 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 traffic stops in the routine performance of the officers' official duties.

(2) "**Race** or ethnicity" means of a particular descent, including Caucasian, African, Hispanic, Asian, or Native American 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 traffic stops in which a citation is issued and to arrests resulting from those traffic stops, including information relating to:

(A) the **race** or ethnicity of the individual detained; and

(B) whether a search was conducted and, if so, whether the person detained consented to the search; and

(7) require the agency to submit to the governing body of each county or municipality served by the agency an annual report of the information collected under Subdivision (6) 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 traffic stops and transmitter-activated equipment in each agency law enforcement motorcycle regularly used to make traffic 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 traffic 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.

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

Art. 2.133. Reports Required for Traffic and Pedestrian Stops

(a) In this article:

(1) "**Race** or ethnicity" has the meaning assigned by Article 2.132(a).

(2) "Pedestrian stop" means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.

(b) A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance regulating traffic or who stops a pedestrian for any suspected offense shall report to the law enforcement agency that employs the officer information relating to the stop, including:

(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 the officer's ability;

(2) the traffic law or ordinance 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.

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

Art. 2.134. Compilation and Analysis of Information Collected

(a) In this article, "pedestrian stop" means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.

(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 local law enforcement agency shall submit a report containing the information compiled during the previous calendar year to the governing body of each county or municipality served by the agency in a manner approved by the agency.

(c) A report required under Subsection (b) must include:

(1) a comparative analysis of the information compiled under Article 2. 133 to:

- (A) determine the prevalence of **racial profiling** by peace officers employed by the agency; and
- (B) examine the disposition of traffic and pedestrian stops made by officers employed by the agency, including searches resulting from the stops; 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 traffic or pedestrian 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 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**.

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

Art. 2.135. Exemption for Agencies Using Video and Audio Equipment

- (a) A peace officer is exempt from the reporting requirement under Article 2.133 and a law enforcement agency 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 traffic and pedestrian stops is equipped with video camera and transmitter-activated equipment and each law enforcement motorcycle regularly used to make traffic and pedestrian stops is equipped with transmitter-activated equipment; and
 - (B) each traffic and pedestrian 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 traffic and pedestrian 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 traffic or pedestrian 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.

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

§ 1701.253. School Curriculum

(a) The commission shall establish minimum curriculum requirements for preparatory and advanced courses and programs for schools subject to approval under Section 1701.251(c)(1).

(b) In establishing requirements under this section, the commission shall require courses and programs to provide training in:

(1) the investigation and documentation of cases that involve:

(A) child abuse or neglect;

(B) family violence; and

(C) sexual assault;

(2) issues concerning sex offender characteristics; and

(3) crime victims' rights under Chapter 56, Code of Criminal Procedure, and Chapter 57, Family Code, and the duty of law enforcement agencies to ensure that a victim is afforded those rights.

(c) As part of the minimum curriculum requirements, the commission shall establish a statewide comprehensive education and training program on civil rights, **racial** sensitivity, and cultural diversity for persons licensed under this chapter.

(d) Training in documentation of cases required by Subsection (b) shall include instruction in:

(1) making a written account of the extent of injuries sustained by the victim of an alleged offense;

(2) recording by photograph or videotape the area in which an alleged offense occurred and the victim's injuries; and

(3) recognizing and recording a victim's statement that may be admissible as evidence in a proceeding concerning the matter about which the statement was made.

Text of subsection (e) added by Acts 2001, 77th Leg., ch. 657, § 4

(e) As part of the minimum curriculum requirements relating to the vehicle and traffic laws of this state, the commission shall require an education and training program on laws relating to the operation of motorcycles and to the wearing of protective headgear by motorcycle operators and passengers. In addition, the commission shall require education and training on motorcycle operator **profiling** awareness and sensitivity training.

Text of subsection (e) added by Acts 2001, 77th Leg., ch. 897, § 1

(e) Training officers and recruits in investigation of cases required by Subsection (b)(1)(B) shall include instruction in preventing dual arrest whenever possible and conducting a thorough investigation to determine which person is the predominant aggressor when allegations of family violence from two or more opposing persons are received arising from the same incident.

Text of subsection (e) added by Acts 2001, 77th Leg., ch. 929, § 5

(e) As part of the minimum curriculum requirements, the commission shall establish a statewide comprehensive education and training program on asset forfeiture under Chapter 59, Code of Criminal Procedure, for officers licensed under this chapter. An officer shall complete a program established under this subsection not later than the second anniversary of the date the officer is licensed under this chapter or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier.

Text of subsection (e) added by Acts 2001, 77th Leg., ch. 947, § 4

(e) As part of the minimum curriculum requirements, the commission shall establish a statewide comprehensive education and training program on **racial profiling** for officers licensed under this chapter. An officer shall complete a program established under this subsection not later than the second anniversary of the date the officer is licensed under this chapter or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier.

Acts 1999, 76th Leg., ch. 388, § 1, eff. Sept. 1, 1999. Amended by Acts 2001, 77th Leg., ch. 657, § 4, eff. Sept. 1, 2001; Acts 2001, 77th Leg., ch. 897, § 1, eff. Sept. 1, 2001; Acts 2001, 77th Leg., ch. 929, § 5, eff. Sept. 1, 2001; Acts 2001, 77th Leg., ch. 947, § 4, eff. Sept. 1, 2001; Acts 2001, 77th Leg., ch. 1034, § 14, eff. Sept. 1, 2001.

§ 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.

Text of subsec. (d) as added by Acts 2001, 77th Leg., ch. 929, § 6

(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(e).

Text of subsec. (d) as added by Acts 2001, 77th Leg., ch. 947, § 5

(d) 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(e).

Acts 1999, 76th Leg., ch. 388, § 1, eff. Sept. 1, 1999. Amended by Acts 2001, 77th Leg., ch. 929, § 6, eff. Sept. 1, 2001; Acts 2001, 77th Leg., ch. 947, § 5, eff. Sept. 1, 2001.

Appendix B

Dallas Police Department Policies and Regulations

DPD General Orders

431.07 Racial Profiling (*SO 2001-09, amended February 2001, amended October 2009*)

- A. “Racial Profiling” is defined as any 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.
- B. “Race or Ethnicity” is defined as a person’s particular descent, including Caucasian, African, Hispanic, Asian, or Native American descent.
- C. Examples of “Racial Profiling” including, but are not limited to:
 - 1. Initiating a traffic stop on particular vehicle because of the race, ethnicity, or national origin of the driver or of a passenger in a vehicle.
 - 2. Stopping or detaining the driver of a vehicle or passenger in a vehicle based on the determination that a person or that race, ethnicity, or national origin is unlikely to own or possess that specific make or model of vehicle.
 - 3. Stopping or detaining an individual based upon the determination that a person of that race, ethnicity, or national origin is unlikely to be in that place or part of town.
 - 4. Stopping a driver when looking for a suspect if the only commonality between the suspect and the driver or passenger is their race, ethnicity or national origin.
 - 5. Singling out an individual for enforcement who is part of a group of individuals exhibiting similar behavior (for example, a group of drivers exceeding the speed limit) because of the individual’s race, ethnicity, or national origin.
 - 6. The unlawful seizure and/or forfeiture of a person’s assets based on ethnicity or a person’s descent.
- D. “Racial Profiling” is strictly prohibited. At no time will a sworn employee rely solely upon racial profiling in any probable cause or reasonable suspicion determination.
- E. Acceptance and Investigation of “Racial Profiling” Complaints.
 - 1. “Racial Profiling” complaints will be handled in accordance with Texas Government Code, Section 614.021--614.023, as interpreted by the City Attorney.
 - 2. Procedures for accepting “Racial Profiling” complaints from citizens are described in General Order 505.02 Externally Originated Complaints. Procedures include complaints made by telephone, in writing, and in person.
 - 3. The Police Department will be responsible for providing public education relating to the process for filing “Racial Profiling” complaints. This includes:
 - a. Internal Affairs Division pamphlets;
 - b. Public service announcements on local radio stations, television stations, and newspaper; and
 - c. News/press releases.

4. An allegation of “Racial Profiling” against any officer will be investigated in the manner describe in General Order 507.00 COMPLAINT PROCESSING AND INVESTIGATION. A sustained complaint for “Racial Profiling” will result in corrective action describe in General Order 510.00 TYPES OF CORRECTIVE ACTION from summary discipline to discharge.

F. Data Collection

1. On January 1, 2002 Court and Detention Services of the City of Dallas began collecting data on all traffic stops and providing the information to the Dallas Police Department for compilation and analysis, in accordance with Article 2.132 of the Texas Code of Criminal Procedure.
2. The most recent census data for the City of Dallas will be used as the basis for the presumed ethnic composition of the population. Other available data, such as the effect of commuter or other non-residents on the ethnical composition of the population, maybe considered.
3. The information will be reported in a format that may include, but is not limited to the reporting of the data in numerical and/or percentage categories of race or ethnicity of the individual detained, whether a search was conducted, and if so, whether the person detained consented to the search.
4. The information collected will be submitted to the governing body of the City of Dallas on March 1 of the subsequent year.
5. It is the intention of the Dallas Police Department to fulfill the data collection requirements of Article 2.132 of the Texas Code of Criminal Procedure to be effective January 1, 2003 through the utilization of video equipment.

G. Training

1. All officers will receive formal, documented training in the “Racial Profiling” policy and procedures.
2. Training will be included in basic and in-service classes for all sworn personnel and will include examples of racial profiling.
3. All new and current officers must complete training by September 1, 2003.

- H. Supervisors have the responsibility of periodically monitoring the activities of subordinates to ensure that “Racial Profiling” is not being practiced. Supervisors will take immediate corrective action if these actions are observed and will document the infraction accordingly.

ROLL CALL

TRAINING BULLETIN

#2001 – 14



Date: December 20, 2001

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Approving Authority: Chief of Police

RACIAL PROFILING LEGISLATION

I. As a result of the passage of Senate Bill 1074 Racial Profiling Legislation, law enforcement agencies throughout the state of Texas will be required to collect data relating to traffic stops where a citation is issued and/or an arrest is made. The following data will be collected:

- A. Race or ethnicity (NOTE: Race or ethnicity is that stated by the person. If the person does not state his or her race or ethnicity, the officer will determine it to the best of the officer's ability.);
- B. Whether a search was conducted; and
- C. Whether consent for the search was granted.

II. Effective January 1, 2002, officers will be required to complete the traffic citation as follows:

- A. TRAFFIC OFFENSE – NO CUSTODIAL ARREST** - If a citation(s) is issued to the driver and/or passenger(s):
 - 1. Check the appropriate box to indicate whether or not a search of the vehicle and/or search of the driver or passenger(s) was conducted.
 - 2. Check the appropriate box to indicate whether consent for the search was granted.

III. Effective January 1, 2002, officers will take the following actions:

- A. TRAFFIC OFFENSE – CUSTODIAL ARREST OF THE DRIVER AND/OR PASSENGER(S) FOR ADDITIONAL OFFENSE GREATER THAN CLASS C MISDEMEANOR** – Officers will:
 - 1. Place the person in jail for the other offense(s), if the offense(s) is greater than a Class C Misdemeanor or is a warrant(s) for Class C Misdemeanor. The officer has the discretion to:
 - a. Charge the person with the traffic offense(s) in addition to the other offense(s), which resulted in a jail arrest, or

- b. Issue the person a traffic citation for the traffic violation. If the arrested person is issued a citation, it must be stated in the “**REASON FOR CONTACT**” box in the arrest report.
 2. If a person (driver and/or passenger) is placed in jail and neither issued a citation nor charged with a traffic offense, state the reason for the arrest in the “**REASON FOR CONTACT**” box in the arrest report.
- IV. In the event the new citation books are not available by January 1, 2002, PROVIDE THE SEARCH INFORMATION ON THE FRONT PORTION OF THE CITATION IN THE “COMMENTS” SECTION (searched or not and consent or not).
- V. Officers must complete the 5-digit ZIP Code blank on both areas of the citation and the Arrest Report.

If you have any questions, please contact Sergeant Rick Watson, Legislative Coordinator, at (214) 670-7090.

ROLL CALL

TRAINING BULLETIN

#2002 – 08

Date: August 9, 2002



Approving Authority: Chief of Police

RACIAL PROFILING DATA COLLECTION

This Roll Call Training Bulletin will supersede Roll Call Training Bulletin #2001-14, issued December 20, 2001.

On August 15, 2002, the Police Department is implementing a “Scantron” process for additional Racial Profiling data collection. The purpose of the process is to improve data collection when an arrest related to a traffic stop is made.

A SCANTRON FORM WILL BE COMPLETED WHEN:

1. AN OFFICER MAKES AN ARREST RELATED TO A TRAFFIC STOP.
2. WHEN A NON-TRAFFIC CITATION IS ISSUED TO THE DRIVER AND/OR PASSENGERS AS A RESULT OF A TRAFFIC STOP.
3. TRAFFIC-RELATED ARREST AND CITATION IS ISSUED TO THE PERSON ARRESTED.

A scantron form **will be completed** under the following circumstances:

1. TRAFFIC-RELATED ARREST

A scantron form must be completed for each person arrested. The arrest number will be included on the scantron form.

2. WHEN A NON-TRAFFIC CITATION IS ISSUED AS A RESULT OF A TRAFFIC STOP

Officers are required to write the citation number on the Scantron form.

3. TRAFFIC-RELATED ARREST AND CITATION IS ISSUED TO THE PERSON ARRESTED

Officers are required to write the citation number and arrest number on the Scantron form.

A Scantron form **will NOT** be completed under the following circumstance:

1. IF THE OFFICER IS ONLY ISSUING ONE OR MORE TRAFFIC CITATIONS TO AN INDIVIDUAL (NO CUSTODIAL ARREST WAS MADE).

Other requirements:

1. Officers must include the beat and zip code information on all citations and arrest reports.
2. Officers **will not** ask the person cited or arrested his/her race or ethnicity. The officer will make the determination to the best of his/her ability.
3. Search information on the citation will continue to be completed, regardless of the requirement of the Scantron.
4. In a situation where multiple traffic citations are issued to any person, the officer is required to complete the search information on all citations.

ROLL CALL

TRAINING BULLETIN

#2003 - 02

Date: February 13, 2003

Document Control # 06 - 03

Approving Authority: Chief of Police Terrell Bolton

**RACIAL PROFILING DATA COLLECTION
SCANTRON FORM**

**This Roll Call Training Bulletin is issued to amend Roll Call Training Bulletin #2002-08, issued August 9, 2002.*

On February 13, 2003, the Police Department will issue and begin using a new "Scantron" form for the collection of Racial Profiling data. We have added the areas described below:

A two digit block was added in front of the arrest number to capture the year of the arrest. A four digit field was added to the bottom of the form to capture the badge number of the approving supervisor.

THE REQUIREMENTS FOR WHEN TO COMPLETE A SCANTRON FORM HAVE NOT CHANGED.

REMEMBER, A SCANTRON FORM MUST BE COMPLETED:

**WHEN AN OFFICER MAKES AN ARREST RELATED TO A TRAFFIC STOP.
WHEN A NON-TRAFFIC CITATION IS ISSUED TO THE DRIVER AND/OR PASSENGER(S) AS A RESULT OF A TRAFFIC STOP.**

WHEN A TRAFFIC-RELATED ARREST IS MADE AND A CITATION IS ISSUED TO THE PERSON ARRESTED.

When a **JAIL ARREST** is made pursuant to a traffic stop, the arresting or transporting officers will now be required to complete the scantron form and present it to the reviewing jail supervisor. The approving jail supervisor will be responsible to review the scantron form for completeness and accuracy, enter his/her badge number, then forwarding the fully completed forms to the Records Section.

All citations issued for a **NON-TRAFFIC** charge will be turned in at the issuing officer's division. A division supervisor will be responsible to review each citation and ensure the submission of a scantron form for each citation that resulted from a traffic stop. After approving

the citation, the supervisor will then enter his/her badge number on the form and forward it to the Records Section for processing.

All **TRAFFIC** citations will be also be turned in at the issuing officer's division. A division supervisor will review each citation for completeness and accuracy, ensuring that a beat number is listed and that the search information is completed properly. After approval of the citation, the supervisor will write his /her initials in the upper right hand corner on the front of the citation.

Because the scantron form reader is very sensitive, **DO NOT:**

Write anything on the form other than filling in the required blocks.

Staple forms together.

Use or submit a photocopied form.

Use or submit a torn, folded, or stained form.

If you have any questions regarding this Training Bulletin, please contact Sgt. Rick Watson, Legislative Coordinator, at 214-670-7090.

WWW.DALLASPOLICE.NET

In 2001, the Texas Legislature passed a law prohibiting "Racial Profiling." Police Officers may not take any enforcement-initiating 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. "Race or Ethnicity" is defined as a person's particular descent, including Caucasian, African, Hispanic, Asian, or Native American.

Examples of "Racial Profiling" include but are not limited to:

- ✘ Initiating a traffic stop on a particular vehicle because of the race, ethnicity, or national origin of the driver a vehicle.
- ✘ Stopping or detaining the driver of a vehicle based on the determination that a person of that race, ethnicity, or national origin is unlikely to own or possess that specific make or model.
- ✘ Stopping or detaining an individual based upon the determination that a person of that race, ethnicity, or national origin is unlikely to be in that place or part of town.
- ✘ Stopping a driver when looking for a suspect if the only commonality between the suspect and the driver is their race, ethnicity, or national origin.
- ✘ Singling out an individual for enforcement who is part of a group of individuals exhibiting similar behavior (for example, a group of drivers exceeding the speed limit) because of the individual's race, ethnicity, or national origin.

"Racial Profiling" by officers is strictly prohibited by the Dallas Police Department. Officers who violate this policy are subject to the same actions described in "What Happens When A Complaint Is Found To Be True?" Complaints alleging "Racial Profiling" are accepted and investigated in the same manner as other complaints.

Appendix C

Racial Profiling Laws and Corresponding General Orders and Standard Operating Procedures

Texas CCP Article	DALLAS POLICE DEPARTMENT REGULATION
2.132(b)1	DPD General Orders 431.07 (amended 10/2009)
2.132(b)2	DPD General Orders 431.07
2.132(b)3	www.dallaspolice.net
2.132(b)4	www.dallaspolice.net
2.132(b)5	DPD General Orders 431.07
2.132(b)6	DPD Training Bulletins 2001-14, 2003-02
2.132(b)7	DPD Training Bulletins 2001-14