

CEDAR HILL
POLICE DEPARTMENT

2020

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 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 Cedar Hill Police Department revealed the following:

- **A COMPREHENSIVE REVIEW OF THE CEDAR HILL POLICE DEPARTMENT’S GENERAL ORDERS, SPECIFICALLY GENERAL ORDER 203.00 OUTLINING THE DEPARTMENT’S POLICY CONCERNING RACIAL PROFILING, SHOWS THAT THE CEDAR HILL 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 CEDAR HILL 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 CEDAR HILL POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW CONCERNING THE REPORTING OF INFORMATION TO TCOLE.**

- **THE CEDAR HILL 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 Cedar Hill Police Department's policies, training, and statistical information on racial profiling for the year 2020. 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 Cedar Hill Police Department in 2020. The full copies of the applicable laws pertaining to this report are contained in Appendix A.

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

Cedar Hill Police Department Policy on Racial Profiling

A review of Cedar Hill Police Department's General Order 203.00 revealed that the department has adopted policies to be in compliance with Article 2.132 of the Texas CCP (see Appendix C). There are seven specific requirements mandated by Article 2.132 that a law enforcement agency must address. All seven are clearly covered in General Order 203.00. The Cedar Hill Police Department's General Order provides clear direction that any form of racial profiling is prohibited and that officers found engaging in inappropriate profiling may be disciplined according to the agency's Administrative Order 433.00 on "Discipline" 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 national origin. Appendix B lists the applicable statute corresponding to the Cedar Hill Police Department regulation.

A COMPREHENSIVE REVIEW OF CEDAR HILL POLICE DEPARTMENT'S GENERAL ORDER 203.00 SHOWS THAT THE CEDAR HILL POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH ARTICLE 2.132 OF THE TEXAS CODE OF CRIMINAL PROCEDURE.

Cedar Hill 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 Cedar Hill Police Department reveals that racial profiling training and certification is current for all officers. In addition to racial profiling training, all officers have also received various

trainings including bias-based profiling, procedural justice, police and minority relations, civilian interaction, and multiple courses on leadership, all of which address the issue of racial profiling.

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

Cedar Hill 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. Cedar Hill Police Department utilizes a brochure on “Racial Profiling Complaint Procedures.” This easy to read and accessible brochure outlines the racial profiling complaint process and other pertinent information in an easy to comprehend format. The brochure also lists contact numbers and a website where citizens may receive further information and file a complaint (<https://www.cedarhilltx.com/626/Internal-Affairs>). Cedar Hill Police Department also developed a Facebook page in 2013 in which citizens can ask questions, provide comments, and contact the department.

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.

Cedar Hill 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 citation or warning was issued and to arrests made as a result of those stops, in addition to other information noted previously. Cedar Hill Police Department submitted statistical information on all motor vehicle stops in 2020 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.

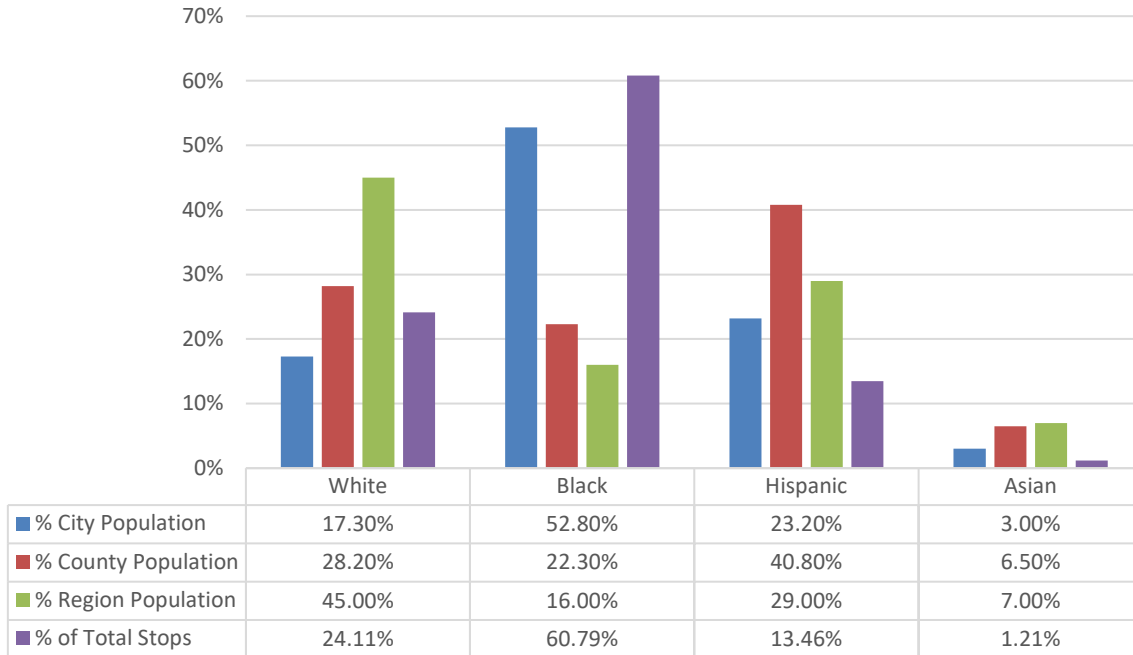
Analysis of the Data

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 8,270 motor vehicle stops in which a citation or warning was issued, including arrests made, in 2020.¹

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



White drivers constituted 24.11 percent of all drivers stopped, whereas Whites constitute 17.30 percent of the city population, 28.20 percent of the county population, and 45.00 percent of the region population.²

Black drivers constituted 60.79 percent of all drivers stopped, whereas Blacks constitute 52.80 percent of the city population, 22.30 percent of the county population, and 16.00 percent of the region population.

Hispanic drivers constituted 13.46 percent of all drivers stopped, whereas Hispanics constitute 23.20 percent of the city population, 40.80 percent of the county population, and 29.00 percent of the region population.

Asian drivers constituted 1.21 percent of all drivers stopped, whereas Asians constitute 3.00 percent of the city population, 6.50 percent of the county population, and 7.00 percent of the region population.

¹ There were 36 motor vehicle 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 in Cedar Hill and relative to the total number of motor vehicle stops among all drivers (8,270).

² City and County and Regional populations were derived from the 2019 American Community Survey (ACS) of the U.S. Census Bureau. Region is defined as the 16 county Dallas-Ft. Worth Area including the following counties: Collin, Dallas, Denton, Ellis, Erath, Hood, Hunt, Johnson, Kaufman, Navarro, Palo Pinto, Parker, Rockwall, Somervell, Tarrant, and Wise.

The chart shows that White drivers are stopped at rates higher than the percentage of Whites found in the city population but lower than the percentage of Whites found in the county and regional populations. Blacks are stopped at rates higher than the percentage of Blacks found in the city, county, and regional populations. Hispanics are stopped at rates lower than the percentage of Hispanics found in the city, county, and regional populations. Asian drivers are stopped at rates lower than the percentage of Asians found in the city, county, and regional 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 2019 ACS 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 and regional population measures.

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, county, or region where the motor vehicle stop occurred are not included in the benchmark base-rate.

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.

Table 1 reports the summaries for the total number of motor vehicle stops in which a citation or warning was issued, and to arrests made as a result of those stops, by the Cedar Hill Police Department in 2020. 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 8,270 motor vehicle stops in 2020 in which a citation or warning was issued. The table also shows arrests made as a result of those stops. Roughly 59 percent of stops resulted in a verbal warning (4,904/8,270) and roughly 38 percent resulted in a citation. In sum, verbal warnings and citations accounted for roughly 98 percent of all result of stop actions.

Table 1: Traffic Stops and Outcomes by Race/Ethnicity

Stop Outcomes by Race/Ethnicity	White	African-American	Hispanic /Latino	Asian /Pacific Islander	Alaska Native /American Indian	Total
Number of Stops	1,994	5,027	1,113	100	36	8,270
Result of Stop						
Verbal Warning	1,126	3,101	594	63	20	4,904
Written Warning	0	0	0	0	0	0
Citation	846	1,792	487	36	16	3,177
Written Warning and Arrest	0	0	0	0	0	0
Citation and Arrest	4	19	5	1	0	29
Arrest	18	115	27	0	0	160
Search Conducted						
Yes	32	291	52	1	1	377
No	1,962	4,736	1,061	99	35	7,893

Relative to the result of the stop within each racial/ethnic group, **written warnings** did not occur in 2020, nor did **written warnings and arrest**. Moreover, **citation and arrest** was rare within each racial/ethnic group relative to the number of stops.

Specific to **verbal warnings**, White motorists received a verbal warning in 56 percent of stops involving White motorists (1,126/1,994), Black motorists received a verbal warning in roughly 62 percent of stops of Black motorists, Hispanic motorists received a verbal warning in roughly 53 percent of stops of Hispanic motorists, and Asian motorists received a verbal warning in 63 percent of stops of Asian motorists.

White motorists received a **citation** in roughly 42 percent of stops involving White motorists (846/1,994), Black motorists received a citation in roughly 36 percent of stops of Black motorists, Hispanic motorists received a citation in roughly 44 percent of stops of Hispanic motorists, and Asian motorists received a citation in 36 percent of stops of Asian motorists.

Finally, relative to sole **arrests**, White motorists were arrested in roughly 1 percent of stops involving White motorists (18/1,994), Black motorists were arrested in roughly 2 percent of stops involving Black motorists, Hispanics were arrested in roughly 2 percent of stops involving Hispanic motorists, and Asian motorists were not arrested in 2020. In sum, arrests were rare across all racial/ethnic groups. Of the 8,270 total stops, 189 arrests [citation and arrest (29) and arrest only (160)] were made in 2020.

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 2020, a total of 377 **searches** of motorists were conducted, or roughly 5 percent of all stops resulted in a search (377/8,270). Among searches within each racial/ethnic group, White motorists were searched in roughly 2 percent of all stops of White motorists (32/1,994), Black motorists were searched in roughly 6 percent of all stops of Black motorists, Hispanic motorists were searched in roughly 5 percent of all stops of Hispanic motorists, and Asian motorists were searched in 1 percent of all stops of Asian motorists (1 total search).

Regarding searches, it should be further noted that only 15 out of 377 searches (see Table 3), or roughly 4 percent of all searches, were based on consent, which are regarded as discretionary as opposed to non-discretionary searches. Relative to the total number of stops (8,270), discretionary **consent searches** occurred in 0.18 percent of all stops.

Of the searches that occurred in 2020, and as shown in Table 3, contraband was discovered in 168 or about 45 percent of all searches (168/377 total searches). Among the searches in which contraband was discovered, drugs were the most frequently found contraband item, and occurred roughly 82 percent of the time that contraband was discovered.³

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 2020, internal records indicate that the Cedar Hill 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 2020, 8,270 motor vehicle stops were made by the Cedar Hill Police Department. Of these stops, 3,500 or roughly 42 percent were female drivers (3,500/8,270), and roughly 58 percent were male drivers (see Table 4 below).

³ Note from the tables that contraband was found in 168 of 377 searches, but the “description of contraband” found equals 213. This difference results because more than one contraband item can be found per search.

According to 2019 American Community Survey (ACS) city and county population estimates of the U.S. Census Bureau, the City of Cedar Hill was composed of 51.6 percent females and 48.4 percent males. County population 2019 ACS estimates indicate that females accounted for 50.7 percent of the county population and males accounted for 49.3 percent of the county population.

Overall, in 2020, males were stopped at rates higher than their proportion of the city and county populations.

Additional Information Required to be Reported to TCOLE

Tables 2-4 provide additional information relative to motor vehicle stops in 2020 by the Cedar Hill Police Department. These data are required to be collected by the Cedar Hill Police Department under the Texas Code of Criminal Procedure Article 2.133.

Table 2: Data on Traffic Stops and Arrests

Stop Table	Frequency
Number of Stops	8,270
Reason for Stop	
Violation of Law	301
Preexisting Knowledge	113
Moving Traffic Violation	6,086
Vehicle Traffic Violation	1,770
Result of Stop	
Verbal Warning	4,904
Written Warning	0
Citation	3,177
Written Warning and Arrest	0
Citation and Arrest	29
Arrest	160
Arrest Based On	
Violation of Penal Code	105
Violation of Traffic Law	7
Violation of City Ordinance	1
Outstanding Warrant	76

Table 3: Data on Searches Pursuant to Traffic Stops

Search Table	Frequency
Search Conducted	
Yes	377
No	7,893
Reason for Search	
Consent	15
Contraband in Plain View	11
Probable Cause	231
Inventory	6
Incident to Arrest	114
Was Contraband Discovered	
Yes	168
No	209
Description of Contraband	
Drugs	137
Currency	3
Weapons	22
Alcohol	30
Stolen Property	3
Other	18

Table 4: Additional Data on Traffic Stops

Additional Information	Frequency
Gender	
Female	3,500
Male	4,770
Race/Ethnicity Known Prior to Stop	
Yes	307
No	7,963
Was Physical Force Resulting in Bodily Injury Used During Stop	
Yes	1
No	8,269
Approximate Location of Stop	
City Street	6,398
US Highway	1,200
County Road	138
State Highway	525
Private Property/Other	9

Analysis of Racial Profiling Compliance by the Cedar Hill Police Department

The foregoing analysis shows that the Cedar Hill 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 Cedar Hill Police Department in 2020, 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.

Appendix A
Texas Racial Profiling Law

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 C
Cedar Hill Police Department
General Order 203.00



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GO 203.00 RACIAL PROFILING (BIAS-BASED POLICING)

TBP: 2.01	CJIS:
Effective Date: 7-12-09	Review Date: 10-16-17
Revised Date: 9-1-17; 10-16-17	
Comment(s): GO 203.10 – changed from quarterly reviews to biannual reviews due to a change in the TBP standards.	
Related Directive(s):	
Related Form(s):	
Issued by: S. L. Rhodes, Police Chief	

GO 203.01 PURPOSE

- A. This directive:
 1. provides guidance to officers in the area of traffic stops, detentions, and enforcement of laws;
 2. helps ensure that traffic enforcement is carried out in a proactive manner within the constraints of the United States and Texas constitutions and laws so that all citizens are treated fairly;
 3. offers protection to officers from unwarranted accusations of misconduct when they act within the law and department policies.
- B. The changes in this directive reflect the legislative amendments made by HB 3051 and SB 1849 (85th Regular Session, effective September 1, 2017) and are effective accordingly. Reporting of the new data elements are not required until January 1, 2018. (Edited 9-1-17)

GO 203.02 POLICY

- A. It is the policy of the Cedar Hill Police Department to patrol in a proactive manner, to aggressively investigate suspicious persons and circumstances, and to actively enforce motor vehicle laws.
- B. Racial profiling is a not an acceptable tactic and will not be condoned. The department will utilize various management tools to ensure that racial profiling is not practiced.

- C. This policy shall not preclude an officer from stopping a person to offer assistance. In fact, to promote quality customer service, officers are encouraged to offer assistance as it is needed – without the fear of reprisal.
- D. This directive relates to bias-based and racial profiling issues and is intended to bring the department into compliance with legislative mandates related to racial profiling. Other procedures related to conduct during citizen contacts, taking enforcement action, searches and seizures or persons and property, methods for conducting vehicle and pedestrian stops, are governed by other written directives, and shall be consistent with this directive. Any conflicts or inconsistencies between this directive and any other directive relating to officer conduct, the stricter standard shall prevail.
- E. Nothing in this directive shall preclude the practice of criminal profiling, which relies on the analysis of multiple factors collectively to predict or to identify criminal activity.

GO 203.03 DEFINITIONS

- A. **Mobile recording device** - means a transmitter-activated device that records video and/or audio onto a medium that is capable of storing and replaying the recording and includes In-Car Mobile Video Recording devices and Body Worn Cameras. (Added 7-22-09) (Edited 9-1-17)
- B. **Motor vehicle stop** - means an occasion in which a peace officer stops a motor vehicle for an alleged violation of a law or ordinance. (Added 10-1-09)



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- C. **Race or ethnicity** - is a particular descent of a person, including Alaska native or American Indian, Asian or Pacific Islander, black, white, and Hispanic or Latino. (10-1-09) (Edited 9-1-17)
- D. **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.
- E. **Reasonable suspicion** - also known as articulable suspicion - is a belief by a reasonable and prudent person, based on articulable facts and circumstances, that some type of criminal activity is afoot; or, a belief by a reasonable and prudent peace officer, based on articulable facts and circumstances and the inferences that can be made from those facts and circumstances because of the officer's experience and knowledge, that some type of criminal activity is afoot, and the detainee is somehow involved.

GO 203.04 BIAS-BASED CONDUCT PROHIBITED

(7-22-09) (TBP 2.01)

- A. Bias-based or racial profiling occurs when the officer initiates a law enforcement action that is based solely on an individual's race, ethnicity, or national origin, sexual orientation, religion, economic status, age, cultural group, or belonging to any other identifiable group, rather than on reasonable suspicion that the person has committed, is committing, or is about to commit some violation of the law. (7-22-09)
- B. In the absence of credible information that includes a physical description, a person's gender, race, ethnicity, national original, sexual orientation, religion, economic status, age, cultural group, or belonging to any other identifiable group, shall not by itself be a factor in determining probable cause for an arrest or reasonable suspicion for a stop. (7-22-09)
- C. Bias-based and racial profiling are unacceptable investigative tactics and are strictly prohibited. Persons engaging in bias-based or racial profiling are subject to the consequences enumerated in directive AO 433.00 DISCIPLINE.
- D. Nothing in this directive shall preclude the practice of criminal profiling, which relies on the analysis of multiple factors collectively to predict or to identify criminal activity.

GO 203.05 TRAINING

(TBP 2.01)

- A. Officers will receive education and training on racial profiling that is consistent with Sections 1701.253 and 1701.402, Texas Occupations Code, and with Section 96.641, Texas Education Code.
- B. The department will review on a continual basis the need for further training relating to racial profiling issues.
- C. The Training Unit shall ensure that all training mandated by statute and by this directive have been completed.

GO 203.06 COMPLAINT PROCESS

- A. Information is available to the public, in accordance with directive AO 205.00 ADMINISTRATIVE INVESTIGATIONS, about how a person may file a complaint against a Police Department member for alleged misconduct and for filing a complaint about a department practice or procedure. No person will be discouraged or intimidated from filing a complaint for conduct that is prohibited by this directive.
- B. Complaints of racial profiling will be received and investigated in the manner specified in directive AO 205.00 ADMINISTRATIVE INVESTIGATIONS with the following exceptions:
 - 1. Complaints will be accepted for alleged racial profiling that occurred up to 90 days prior to the date of the complaint;
 - 2. All complaints of racial profiling will be forwarded directly to the Chief of Police.
- C. An allegation of racial profiling is a serious charge, which could have a devastating impact on the accused officer, regardless of the merits of the allegation. Therefore, complaints of racial profiling will be investigated thoroughly and expeditiously.
- D. On the commencement of an investigation by the department of a complaint alleging racial profiling, the department must furnish the accused officer a copy of any existing videotape or other recording of the related stop, upon written request by the officer. (Art. 2.132(f), Texas Code of Criminal Procedure.)

GO 203.07 INCIDENT-BASED DATA COLLECTION

(TBP 2.01)

- A. **Definition.** For the purposes of this section, "data" includes written, video, or audio recordings of a motor vehicle stop. (10-1-09)



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- B. **Certain Data Required.** Articles 2.131 through 2.136, Texas Code of Criminal Procedure, establish certain data collection and reporting requirements relating to motor vehicle stops. However, the officer and the department are exempt from some of the data collection and reporting requirements if requirements in Art. 2.135, Texas Code of Criminal Procedure, are met. Regardless of the exemptions, the officer will collect certain incident-based data, minimally including: (10-1-09)
1. the race or ethnicity and gender of the individual detained; (Art. 2.133) (10-1-09)
 2. whether a search was conducted and, if so, whether the individual detained consented to the search; (Art. 2.132 and Art. 2.133) and (10-1-09)
 3. whether the officer knew the race or ethnicity of the individual detained before detaining that individual; (Art. 2.132) (10-1-09)
 4. the initial reason for the stop; (Art. 2.133) (10-1-09)
 5. whether contraband or other evidence was discovered in the course of the search and a description of the contraband or evidence; (Art. 2.133) (10-1-09)
 6. the reason for the search, including whether: (Art. 2.133) (10-1-09)
 - 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.
 7. 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; (Art. 2.133) (10-1-09)
 8. the street address or approximate location of the stop; (Art. 2.133)
 9. whether the officer issued a written warning or a citation as a result of the stop; (Art. 2.133) (10-1-09)
 10. whether the officer used physical force that resulted in bodily injury, as that term is defined in Section 1.07, Texas Penal Code. (Art. 2.132) (Added 9-1-17)

GO 203.08 VIDEO/AUDIO RECORDING EQUIPMENT

A. **Required Use**

1. For the purposes of this section, a "mobile recording device" shall have the meaning assigned in section GO 203.03.
2. An officer operating a police vehicle that is equipped with a mobile recording device will ensure that the entire motor vehicle stop is recorded. (10-1-09)
3. The mobile recording device will be operated in accordance with established procedures. (10-1-09)

B. **Retention**

1. All mobile recordings will be maintained for at least 90 days. (10-1-09)
2. If a complaint is filed with the department alleging that a Cedar Hill officer has engaged in racial profiling, any mobile recording of the related motor vehicle stop will be retained until the final disposition of the complaint. (10-1-09)

GO 203.09 MOTOR VEHICLE STOP DATA
(10-1-09)

A. **Required Use**

1. An officer will complete an incident-based electronic form on the MCT for each motor vehicle stop the officer conducts, regardless of whether the stop is video or audio recorded. (10-1-09) (Edited 9-1-17)
2. The incident-based data required to be collected by the department shall minimally include the information required to be collected under Art. 2.321, Texas Code of Criminal Procedure. (10-1-09)

B. **Data Maintenance** (Edited 9-1-17)

1. The electronic data is maintained in the Records Management System.
2. The data may be purged upon expiration of the retention period.

GO 203.10 REVIEWING OR OVERSIGHT OF INCIDENT-BASED DATA COLLECTION
(10-1-09) (TBP 2.01)

- A. For the purposes of this section, "data" has the meaning assigned under section GO 203.07.
- B. First-line supervisors will at least **biannually** randomly review mobile video/audio recordings of each subordinate and will determine whether the subordinate is complying with the provisions of this and other applicable directives. The review must



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minimally include three recordings each six months per officer. (Edited 9-1-17, 10-16-17)

- C. **Biannually**, the supervisor will submit to the supervisor's bureau commander a memo outlining the recording reviews. The memo should minimally indicate which officer, date and time of event, any compliance issues and recommendations for training, policy revisions, and modifying procedures, as needed. (10-1-09) (Edited 9-1-17, 10-16-17)
- D. The bureau commander will review the memos and recommendations submitted by the supervisor and will forward them to the Office of the Chief of Police. (Edited 9-1-17)
- E. Copies of the memos will be forwarded to the department Program Coordinator for The Texas Law Enforcement Agency Best Practices program by the Administrative Bureau. (Edited 9-1-17)

GO 203.11 REPORTS REQUIRED

(TBP 2.01)

- A. The department will submit to the governing body and to TCOLE not later than March 1 of each year an annual report of the incident-based data collected under section GO 203.07, in accordance with Art. 2.134, Texas Code of Criminal Procedure. (10-1-09)
- B. The purpose and content of the report shall be in accordance with Art. 2.134, Texas Code of Criminal Procedure. The report will minimally:
 - 1. evaluate and compare the number of motor vehicle stops, within the city's jurisdiction, of persons who are recognized as racial or ethnic minorities; and (added 10-1-09)
 - 2. examine the disposition of motor vehicle stops made by officers employed by the department, categorized according to the race or ethnicity of the affected persons, as appropriate, including any searches resulting from stops within the city's jurisdiction; (10-1-09)
 - 3. evaluate and compare the number of searches resulting from motor vehicle stops within the city's jurisdiction and whether contraband or other evidence was discovered; (Added 9-1-17)
 - 4. include information relating to each complaint filed with the department alleging racial profiling.



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Appendix B
Racial Profiling Laws and Corresponding Regulations and Procedures

Texas CCP Article	CEDAR HILL POLICE DEPARTMENT Racial Profiling Policy
2.132(b)1	G.O. 203.03 and 203.04
2.132(b)2	G.O. 203.02 B and 203.04 C
2.132(b)3	G.O. 203.06
2.132(b)4	G.O. 203.06 and Complaint Brochure and Website
2.132(b)5	G.O. 203.04 C and 203.06
2.132(b)6	G.O. 203.07
2.132(b)7	G.O. 203.11