

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

DEPARTMENT: POLICE

AGENDA DATE: Tuesday, February 16, 2010

CONTACT PERSON NAME AND PHONE NUMBER: Assistant Chief Eric Shelton / 564-7309

DISTRICT(S) AFFECTED: All

SUBJECT:

That the Mayor and City Council review and accept the El Paso Police Department's Contact Data (Racial Profiling) Annual Report covering the period of January 1, 2009, through December 31, 2009.

BACKGROUND / DISCUSSION:

Articles 2.132 and 2.134 of the Texas Code of Criminal Procedure require City Council review of the contact data for the period of January 1, 2009 through December 31, 2009.

PRIOR COUNCIL ACTION:

On February 16, 2009 the 2008 report was reviewed by City Council. Yearly reviews by City Council as required by statute have been conducted since 2003.

AMOUNT AND SOURCE OF FUNDING:

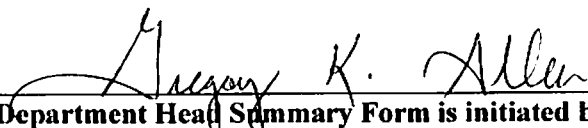
N/A

BOARD / COMMISSION ACTION:

N/A

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD:


(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

Information copy to appropriate Deputy City Manager

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor and City Council review and accept the El Paso Police Department's Contact Data (Racial Profiling) Annual Report covering the period of January 1, 2009 through December 31, 2009.

ADOPTED this 16th day of February, 2010.

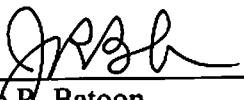
CITY OF EL PASO

John Cook
Mayor

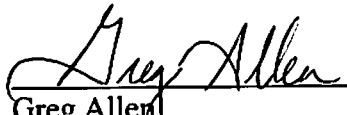
ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:


John R. Batoon
Assistant City Attorney

APPROVED AS TO CONTENT:


Greg Allen
Chief of Police

EL PASO POLICE DEPARTMENT

2009

RACIAL PROFILING ANALYSIS

PREPARED BY:

Eric J. Fritsch, Ph.D.
Chad R. Trulson, Ph.D.
University of North Texas



University of North Texas

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 El Paso Police Department requested this analysis and review to assist the City Council in reviewing the data.

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

- **A COMPREHENSIVE REVIEW OF THE EL PASO POLICE DEPARTMENT REGULATIONS, SPECIFICALLY EL PASO POLICE DEPARTMENT OPERATIONAL POLICY 3-202.01-3-202.02 OUTLINING THE DEPARTMENT’S POLICY CONCERNING RACIAL PROFILING, AND RULE NO. 27 STATEMENT ON ADHERENCE TO LAW ENFORCEMENT CODE OF ETHICS, SHOWS THAT THE EL PASO 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 EL PASO 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 EL PASO POLICE DEPARTMENT REVEALS THAT THERE ARE NO METHODOLOGICALLY CONCLUSIVE INDICATIONS OF SYSTEMIC RACIAL PROFILING BY THE DEPARTMENT.**
- **THE EL PASO POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW CONCERNING THE PROHIBITION OF RACIAL PROFILING.**

Introduction

This report details an analysis of the El Paso 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 El Paso 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: El Paso Police Department's policy on racial profiling; El Paso Police Department's training and education on racial profiling; El Paso Police Department's complaint process and public education on racial profiling; analysis of statistical data on racial profiling; and an analysis of El Paso 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).

El Paso Police Department Policy on Racial Profiling

A review of the documentation provided by the El Paso 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 El Paso 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 El Paso Police Department regulation.

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

El Paso 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 El Paso 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 EL PASO POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH TEXAS LAW ON TRAINING AND EDUCATION REGARDING RACIAL PROFILING.

El Paso 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 El Paso Police Department complaint website (<http://www.ci.el-paso.tx.us/police/complaint.asp>), in addition to informational brochures printed in English and Spanish, provides extensive information to citizens interested in filing a complaint, including those related to racial profiling (see Appendix D).

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.

El Paso Police Department Statistical Data on Racial Profiling

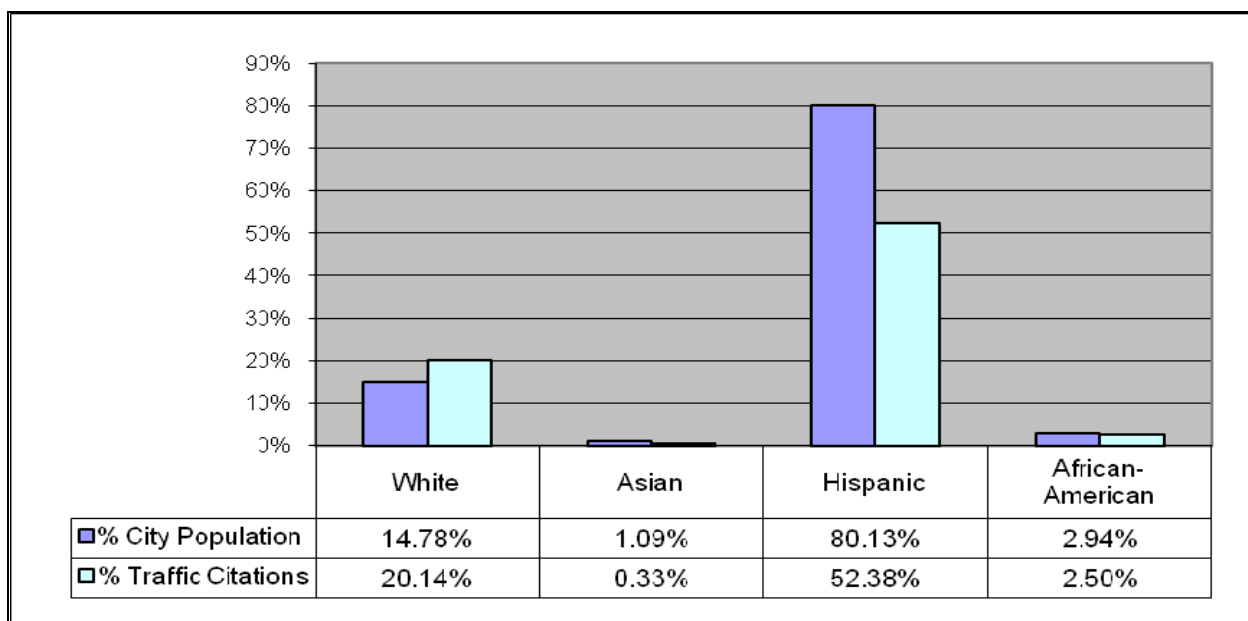
Article 2.132(b) 6 requires that law enforcement agencies collect statistical information on traffic stops resulting in citation with specific information on the race of the person cited. In addition, information concerning searches of persons and whether or not the search was based on consent is also required to be collected. The El Paso 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 (Native American and “other” racial/ethnic categories are not charted due to small population counts in the City of El Paso). In 2009, White drivers constituted 20.14 percent of all drivers cited, whereas Whites constituted 14.78 percent of the city population.¹ African-American drivers constituted 2.50 percent of all drivers cited, whereas African-Americans constituted 2.94 percent of the city population. Hispanic drivers constituted 52.38 percent of all drivers cited, whereas Hispanics constituted 80.13 percent of the city population. Asian drivers constituted 0.33 percent of all drivers cited, whereas Asians constituted 1.09 percent of the city population.

¹ Population figures for the City of El Paso are derived from the US Census Bureau’s 2008 American Community Survey Selected Demographic Characteristics at <http://www.elpasotexas.gov/quickfacts.asp>. 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 lower than the percentage of African-Americans in the city population. Hispanics are cited at rates that are lower than the percentage of Hispanics in the city population, as are Asians.

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 El Paso 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 large

numbers of citizens who are of Hispanic and/or mixed racial descent in El Paso. 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.

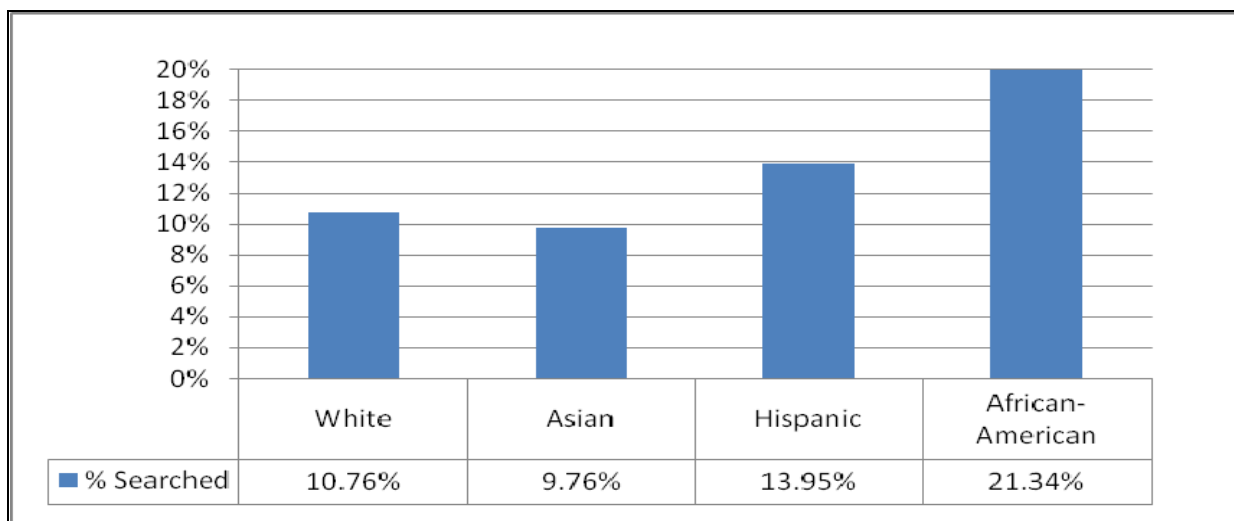
In addition, the data collected for the current report does not allow for an analysis that separates (or disaggregates) the discretionary decisions of officers to stop a motorist from those that are largely non-discretionary. For example, non-discretionary stops of motorists based on the discovery of 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 El Paso Police Department subsequent to a traffic stop. Specific to searches, the table shows that White drivers accounted for 21.49 percent of all searches (4,372/20,341), Hispanic drivers accounted for 72.40 percent of all searches (14,726/20,341), and African-American drivers accounted for 5.27 percent of all searches (1,071/20,341).

Action	White	Asian	Hispanic	African-American	Native Amer./Other	Total
Citations	40,596	666	105,579	5,019	49,691	201,551
Searched	4,372	65	14,726	1,071	107	20,341
Consent	4,131	61	13,624	982	86	18,884
Custody Arrests	1,160	18	8,247	512	20	9,957

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 201,551 cited drivers, only 20,341 were searched (10.09%). Furthermore, only 10.77 percent of all White drivers who were cited were searched, 9.76 percent of all Asian drivers who were cited were searched, 13.95 percent of all Hispanic drivers who were cited were searched, and 21.34 percent of all African-American drivers who were cited were searched.



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 El Paso Police Department

The foregoing analysis shows that the El Paso 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 El Paso Police Department indicates that the department received a total of three (3) complaints where the citizen alleged that racial profiling had *occurred as a result of a traffic stop* in 2009. One complaint was unfounded, and the two remaining complaints are currently being investigated and are awaiting disposition.

In addition to providing summary reports and analysis of the data collected by the El Paso 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 El Paso Police Department

as well as police agencies across Texas. The El Paso 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

EL PASO POLICE DEPARTMENT'S APPLICABLE GENERAL ORDER/PROCEDURES

Below are sections of the Police Department's Procedures Manual that are applicable to the racial profiling report:

MISSION STATEMENT

It is the mission of the El Paso Police Department to provide services with integrity and dedication, to preserve life, to enforce the law, and to work in partnership with the community to enhance the quality of life in the City of El Paso.

CORE VALUES

WE RESPECT LIFE . . .

We hold the preservation of life as our sacred duty. Our value of human life sets our priorities.

WE REVERE THE TRUTH . . .

We accept nothing less than truth, honesty and integrity in our profession.

WE ENFORCE THE LAW . . .

We recognize that our basic responsibility is to enforce the law. Our role is to resolve problems through the law, not to judge or punish.

WE SEEK COMMUNITY PARTNERSHIP . . .

We view the people of our community as partners who deserve our concern, care and attention. We are committed to reducing the fear of crime in our community, and we endeavor to do this by creating partnerships in our neighborhoods.

WE HONOR OUR POLICE POWERS . . .

We understand that our police powers are derived from the people we serve. We do not tolerate the abuse of our police authority.

WE CONDUCT OURSELVES WITH DIGNITY . . .

We recognize that our personal conduct, both on and off duty, is inseparable from the professional reputation of both the Officer and the Department.

1-501. DISCRIMINATION. Employees have the right to a workplace free from discrimination, intimidation, retaliation and harassment from co-employees and supervisory personnel.

1-501.01 POLICY. It is the policy of the Police Department to maintain a working environment free of discrimination, harassment and intimidation and to foster the fair and respectful treatment of employees and the public. As protectors and defenders of the community, it is especially critical for Police Officers to exhibit an attitude of tolerance and respect toward all citizens and fellow employees.

- A.** Employees will treat one another and members of the public with respect at all times. Employees who participate in any kind of discrimination, harassment, retaliation, or intimidation of another employee or a member of the public will be subject to disciplinary action, which may include termination. This includes, but is not limited to, negative prejudicial remarks, offensive jokes, the promotion of stereotypes and ridicule based on personal characteristics, age, health, race, ethnicity, sex, or sexual orientation.
- B.** Employees who report any misconduct are not to be subjected to any form or kind of harassment, retaliation or intimidation by co-employees, their chain of command, or any supervisory personnel.

1-501.02 PROCEDURE. Employees are encouraged to notify a supervisor, any command officer, the Chief of Police, Personnel Director, or the City Attorney's Office to report instances of ridicule, intimidation, or discrimination.

- A.** Employees who feel they are the subject of harassment or intimidation as a result of reporting wrongdoing, may immediately bring their complaint to any supervisor within their chain of command, any command officer, the Chief of Police, Personnel Director or the City Attorney's Office.
- B.** Any supervisor who receives a report of such misconduct will immediately take appropriate action to investigate the allegation or have it investigated by the appropriate authorities. Supervisory personnel will enforce all policies and procedures. If misconduct is reported by one employee against another, supervisors will ensure that no harassment, retaliation or intimidation of the reporting employee occurs.

3-202.01 RACIAL AND BIAS BASED PROFILING. Officers are strictly prohibited from engaging in racial and bias based profiling. The prohibition against racial and bias based profiling does not preclude the use of race, ethnicity, or national origin as factors in a detention decision by a peace officer. Race, ethnicity, or national origin may be legitimate factors in such a decision when used as a part of a description of a suspect or witness for whom a peace officer is searching. *(CALEA 1.2.9 a)*

A. Definitions.

- 1. Racial Profiling:** a law enforcement-initiated action, such as a traffic stop, a detention, a search, issuance of a citation, or an arrest, based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity. Racial profiling pertains to persons who are viewed as suspects or potential suspects of criminal behavior. The term is not relevant as it pertains to witnesses, complainants, persons needing assistance, or other citizen contacts.
- 2. Bias Based Profiling:** the selection of individuals for enforcement action based solely on a trait common to a group. This includes, but is not limited to gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group.
- 3. Race or Ethnicity:** of a particular descent, including Caucasian, African, Hispanic, Asian, or Native American descent.
- 4. Pedestrian Stop:** an interaction between a peace officer and an individual who is being detained for the purposes of a criminal investigation in which the individual is not under arrest.
- 5. Traffic Stop:** the stopping of a motor vehicle by a peace officer for an alleged violation of law or ordinance regulating traffic. *(Amended on 08-04-2006 C06-20)*

3-202.02 OFFICER INITIATED REPORTING DATA. Officers, on or off-duty, who stop motor vehicles for an alleged violation of a law or ordinance regulating traffic or who stop a pedestrian for any suspected offense will comply with the following:

- A.** The information required on the RMS/I-LEADS arrest module will be completed for each person detained or arrested. In the event that several people are present when making a pedestrian or traffic stop, information will be captured only for those who are contacted, questioned or searched. Officers making arrests will fill out the Y/N fields in the I-LEADS arrest module:

1. Arrest result of a traffic stop?
2. Was a citation issued?
3. Search conducted?
4. Consent search?
5. City of El Paso resident?

B. Training. *(CALEA 1.1.2) (CALEA 1.2.9 b)*

1. The Academy will conduct annual training with sworn personnel on subjects that include, but are not limited to: profiling, cultural diversity, interaction with citizens, policy, ethics and related topics.
2. Training may be conducted through in-service, special courses, or roll-call training.
3. Participation in training will be documented and recorded in each officer's training record.
4. All officers will complete racial profiling training prior to the second anniversary of the date the officer is listed as a peace officer or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier.

C. Reporting Requirements.

1. The information collected shall be compiled in an annual report covering the period January 1 through December 31 of each year, and shall be submitted to City Council no later than March 1 of the following year.
2. The annual report shall not include identifying information about any individual stopped or arrested.
3. The annual report will not include identifying information about any peace officer involved in a stop or arrest.

D. Investigating Complaints. *(CALEA 1.2.9 c)*

1. In investigating a complaint alleging racial profiling, the Chief of Police shall seek to determine if the officer who is the subject of the complaint has engaged in a pattern of racial profiling that includes multiple acts constituting racial profiling for which there is no reasonable, credible explanation based on established police and law enforcement practices. A single act constituting racial profiling may not be considered a pattern of racial profiling, and shall not be grounds for corrective action.
2. Citizens may file complaints against any Officer at any Department facility or at the Internal Affairs (IAD) office. All complaints of racial profiling lodged against an officer will be investigated by the IAD office fairly and objectively to determine the validity of such complaints. Disciplinary or corrective action will be established in a timely and consistent manner in accordance with state laws, local ordinances and the City of El Paso's Civil Service Rules and Regulations.

E. Public Education *(CALEA 1.2.9 d)*

1. The Department, through its philosophy of Community Policing, will provide information to the general public regarding racial profiling policies and procedures, to include the complaint process, by actively addressing the issue in regular Regional Command community meetings, Citizen's Advisory board meetings, the mass media, and by routine officer/citizen contacts. *(Amended 04-05-06 C06-03)*

F. Video Policy. All Officers will follow established procedures for the use of in-car video recording equipment. *(Amended 06-04-2008 C08-18)*

3-202.03 PRIMARY UNIT. The patrol unit receiving the assignment from Dispatch is referred to as the "Primary Unit." When an incident occurs where units were not initially dispatched, the first responding unit is the "primary unit." The primary unit is generally responsible for completing necessary reports. *(CALEA 61.2.3 a)*

3-202.04 STOPS/FIELD INTERVIEWS. Stops are "seizures" under the Fourth Amendment. An Officer may stop and question a person when the Officer has **reasonable suspicion** that the person may be involved in past, present or future criminal activity. Reasonable suspicion is less than the probable cause that is needed for an arrest or search. *(CALEA 1.2.3a) (Amended 01-24-2008 C08-06)*

- A.** Before an Officer stops a person for questioning, he or she must be aware of specific suspicious conduct or circumstances to justify that stop.

- B.** Officers should rely on their training and experience in analyzing a subject's suspicious conduct and must be able to articulate a reasonable suspicion for an investigatory stop.
- C.** Officers may detain a person they lawfully stop for a reasonable length of time in an attempt to:
 - 1. Verify the person's identification.
 - 2. Account for the person's conduct.
 - 3. Account for the person's presence.
 - 4. Ascertain whether a crime occurred.
 - 5. Ascertain the person's involvement.
- D.** An Officer must release a person from an investigative stop as soon as:
 - 1. The Officer fulfills the purpose of the stop,
 - 2. The person eliminates the Officer's reasonable suspicion of criminal involvement, or
 - 3. The Officer fails to develop the probable cause necessary to arrest within a reasonable time.

3-202.05 FRISK. *(CALEA 1.2.4 b)* A frisk is a limited pat down search for the purposes of protection only. Officers may not use the frisk to conduct full scale searches of persons. Under appropriate circumstances, persons, their immediate surrounding areas, and the passenger compartments of a vehicle may be frisked.

- A.** An Officer may frisk a person who has been stopped when the Officer reasonably suspects that the person is concealing a weapon and that a frisk is necessary to protect the Officer or others.
- B.** A frisk may be conducted at any point during an investigation or detention when circumstances create a reasonable suspicion for the Officer to fear for his or her or another's safety.
- C.** An Officer who conducts a frisk must be prepared to articulate the specific factors leading to a reasonable suspicion that the Officer or others were in danger. These factors should be listed in the report.
- D. Frisk Procedures.**
 - 1. Before beginning the frisk of a person, Officers should let the person know that they are going to conduct a frisk.
 - 2. The Officer should begin the frisk of a person at the part of the person's outer clothing most likely to contain a weapon or dangerous instrument.

3. If the outer clothing is too bulky to allow the Officer to determine if a weapon is concealed underneath, outer clothing such as overcoat and jackets may be opened to allow a pat down on the inner clothing, such as shirts or trousers.
4. The Officer may also frisk or secure any unlocked areas within the detained person's reach or the passenger compartment of a vehicle that the person had been riding in if the Officer reasonably suspects that such areas might contain a weapon.
5. When practical, a male Officer should summon the assistance of a female Officer if it is necessary to frisk a female subject. The frisk will be conducted in a manner that is the least intrusive or offensive to the person.
6. Officers may remove objects located during a frisk which the Officer believes are weapons, a container that may hold a weapon, or objects that the Officer immediately recognizes as being contraband.

3-304. MOBILE VIDEO POLICY. It is the policy of the Department to utilize videotape and/or digital mobile video/audio recording equipment in patrol vehicles to create a video and audio recording of events as they occur. Recordings assist in gathering evidence, enhancing officer safety, and protecting officers against false allegations of misconduct. *(CALEA 41.3.8 a)* *(Amended 06-04-2008 C08-18)*

3-304.01 OBJECTIVES. This agency has adopted the use of in-car mobile videotape and digital recording to accomplish the following objectives:

- A.** Accurate documentation of events, actions, conditions, and statements made during arrests and critical incidents, so as to document officers' reports, collection of evidence and testimony in court; and
- B.** To enhance the department's ability to review arrest procedures, officer interaction with the public and suspects, and evidence for investigative purposes, as well as for officers' evaluations and training.

3-304.02 OPERATING PROCEDURES.

- A.** All recording equipment installed in vehicles is the responsibility of the officers assigned to that vehicle and will be operated according to the manufacturer's recommendations.
 - 1.** When assigned a vehicle with a videotape or digital recording system, officers will ensure the system is in the on position and activated at the start of their tour of duty.
 - 2.** Officers will ensure the wireless microphone is activated and in working order.
 - 3.** With videotape systems, officers will log in with their name, ID number, date/time and district.
 - 4.** The digital recording systems do not require a login, but officers will ensure the correct date and time appear on screen.
 - 5.** Officers will update the screen and/or login information if necessary.
- B.** Officers, during the pre-shift inspection and at any other time during their tour of duty, will determine whether all components of the recording equipment are working satisfactorily and will bring any problems to the attention of their immediate supervisor who will determine if the vehicle will be utilized. Supervisors must be notified of any malfunctioning videotapes, hard drives or

system components in order to obtain a replacement or repair. Any noted malfunctions of video equipment must be documented on the officer's daily log sheet and on a vehicle gripe form in order to complete repairs.

- C. Recording will automatically activate when the vehicle's emergency warning devices are in operation. The equipment may be manually deactivated during non-emergency activities such as when performing traffic control at accident scenes.
 - 1. Whenever equipment is manually deactivated, officers will document the reasons for this action on the recording prior to deactivation.
 - 2. The wireless microphone will be activated to record the audio portion of the incident at all times when the unit is recording.
- D. The officer is responsible for ensuring that equipment is in operating order to record traffic stops or other enforcement actions. In doing so they will ensure that:
 - 1. The video recorder is positioned and adjusted to record events;
 - 2. The recorder is not deactivated until the enforcement action is completed and the offender vehicle has pulled away.
 - 3. The wireless microphone is activated in order to provide narration with the video recording to explain the reason for their current or planned enforcement action.
 - 4. When a police vehicle equipped with recording equipment is used as back up for another police unit, the back up unit will be positioned in a manner that will allow the vehicle to record the incident whenever possible.
- E. Officers will use the recording equipment to record: *(CALEA 41.3.8 a)*
 - 1. All traffic stops.
 - 2. When following a suspected DWI offender prior to conducting traffic stops. Officers will not follow DWI suspects longer than it is necessary to determine probable cause for a stop. The digital recording systems are programmed to capture 30 seconds of activity prior to the system being activated. In most instances this will capture the driving behavior or incident that precedes activation of emergency equipment. Officers will narrate into the microphone any activity they observe while stopping the suspected DWI suspect. Officers will make a reasonable effort to leave enough distance between the patrol car and the suspect's vehicle to allow a clear recording of the entire vehicle and allow sufficient space to conduct field sobriety tests in front of the camera and allow for the suspect to be in full view of the camera.
 - 3. Document crime scene and accident scenes or other circumstances at events such as the confiscation and documentation of evidence or contraband.

4. The actions of suspects during interviews, when undergoing sobriety checks, or when placing a suspect in custody.
5. When utilizing the code III response mode.
6. Any situation where the gathering of video evidence may be beneficial in the prosecution of a criminal case.
7. Any event where the officer feels that his or her safety is in jeopardy or where the use of force is known to be potentially necessary.

F. Officers **will not** turn off the Mobile Video Recorder for any reason:

1. During a traffic stop
2. While utilizing the code III response mode.

G. Officers will not erase, alter recordings, record over any incident, intentionally cause the unit to malfunction, make a duplicate copy of a recording, or in any way interfere with the recording system.

H. Officers are encouraged to inform their supervisor of any audio/video recording sequences that may be of value for training purposes.

I. Officers will note within the incident report when video/audio recordings were made.

J. Officers will only use recording media issued and approved by the department.

K. At no time will officers remove tapes or hard drives from recording systems. Officers will not be permitted into the tape or hard drive storage areas for any reason. Officers are not permitted access to the storage server/computer system for digital recordings. When supervisors remove tapes identified as evidence or remove hard drives for copying of a file for DVD evidence, the officer requesting the assistance will remain with the supervisor to maintain the chain of evidence. The supervisor will note on the appropriate log that a tape was turned in as evidence or a DVD was burned for evidence.

L. Officers will notify a supervisor and request a replacement tape or fresh hard drive when the system shows less than one hour of recording time remaining. Supervisors will replace the videotape or hard drive.

3-304.03 RECORDING CONTROL AND MANAGEMENT. *(CALEA 41.3.8 b, c)*

A. All videotapes containing information that may be of value for administrative investigations, case prosecution or in any criminal or civil adversarial proceeding will be safeguarded. Recordings authorized by Legal for release to another

criminal justice agency will be copied to a DVD or VHS tape provided by the requesting agency and the original recording will remain stored for the required time period as set out in this policy.

- B.** Tapes not scheduled for court or complaint proceedings shall be maintained for 90 days at the Regional Commands/Section and will be taken to the Photo Lab for copying as necessary. Copying machines will be located at the Photo Lab and at the Internal Affairs Division. Hard drives will be maintained for 90 days. Digital files that need to be copied for evidence or administrative case purposes will be copied to a DVD by a supervisor. All tapes and hard drives shall be maintained in a manner that allows efficient identification and retrieval.
- C.** If any complaint is filed with the department with respect to an incident appearing on a recording, including alleged racial profiling, the department shall retain a copy of the videotape or DVD copy of the digital recording until final disposition of the complaint including any claim or lawsuit filed against the City.
- D.** Upon receipt of a request from Internal Affairs or other Departmental section for a copy of a videotape or a digital file, supervisors will coordinate with the requestor to provide the materials requested.
- E.** On written request by an officer to the Internal Affairs Division, IAD shall provide that officer with a copy of the recording (videotape or digital DVD) in which a racial profiling complaint has been filed. IAD will keep documentation regarding the release of the recording to the officer and will notify the Chief of Police of the request.
- F.** No videotapes or hard drives shall be re-issued for operational use unless completely erased by designated personnel of the department in accordance with retention schedules.
- G.** For videotape systems, a sufficient number of tapes will be kept in reserve for tape exchanges at least weekly on Sunday's day shift, or more often as needed and/or to accommodate replacement of tapes turned in as evidence.
- H.** Each vehicle with a digital system will have four hard drives designated. The hard drives will be exchanged on the first of every month. Hard drives with recordings will be properly stored for the designated time period.

3-304.04 SUPERVISORY RESPONSIBILITY. Only supervisory personnel will have access to keys to the recording equipment, videotapes, hard drives, and the computer/software used for downloading, copying or storage of digital recordings. Supervisors will change the tape or hard drive at intervals set by this policy. The tapes or digital system hard drives will be changed as needed for evidentiary reasons. (CALEA 41.3.8b) Upon removing a videotape or hard drive for replacement, evidence retrieval, or administrative purposes, the supervisor will complete the appropriate log and document the reason for removal. Any time a digital recording is needed for evidence or an administrative case, a copy of the needed file will be copied to a DVD by a supervisor. If

for evidence, supervisors will copy the file with the requesting officer present and will provide the DVD copy to the officer. Any time a video tape recording is needed for evidence or an administrative case, the supervisor will retrieve the video tape. If for evidence, the supervisor will retrieve the videotape with the requesting officer present and will provide the videotape to the officer. Supervisors will ensure that:

- A. All officers follow established procedures for the use of recording equipment, and completion of recording documentation;
- B. On a bimonthly basis, recordings are randomly reviewed to assist in periodic assessment of officer performance, determine whether the recording equipment is being fully and properly used and to identify material that may be appropriate for training;
- C. Repairs and replacement of damaged or non-functional recording equipment is performed;
- D. All statistical reporting requirements are being completed as required to ensure adequate program evaluation;
- E. All videotapes and hard drives, while not in use in a vehicle, will be kept in locked cabinets at each regional command or other facility where officers using video system-equipped vehicles are assigned.

3-304.05 STATION MANAGER RESPONSIBILITY.

- A. Station managers, or unit supervisors for personnel assigned to other Divisions, will be responsible for conducting random checks and inspections of recording equipment to ensure proper operation. *(CALEA 17.5.3)*
- B. Station Managers, or unit supervisors for personnel assigned to other Divisions, will mark each video tape and hard drive with the vehicle number. Each video tape or hard drive will be documented in the appropriate log sheet with the tape or hard drive number, date and time in, date and time out, supervisor's ID number, vehicle number and disposition of tape or hard drive.
- C. Station Managers or unit supervisors are responsible for erasing videotapes and hard drives prior to re-use.
- D. Defective hard drives with case evidence or recordings needed for an administrative investigation will be sent to the Financial Crimes Unit so that properly trained personnel may attempt data recovery. If recovery of data is beyond the capabilities of Financial Crimes Unit personnel, they may obtain assistance from an outside lab. Defective tapes or hard drives with case evidence or administrative case recordings will be retained for 90 days or until no longer needed for the case, whichever is later. The tapes or hard drives will then be destroyed and the destruction will be noted on the appropriate log.

- E. Defective tapes and hard drives will be replaced.

3-304.06 TRAINING.

- A. All officers will receive training on camera equipment prior to use. The training will follow the manufacturer's specifications and policy.
- B. The trained officer will receive a written copy of the directions on the use of the camera.

3-304.07 DISPOSITION OF EVIDENTIARY RECORDINGS. All recorded arrests will be considered evidence, including defective recordings. Any other recording that an officer feels may be of value in an investigation will be turned in as evidence, whether video tape or a DVD copy, per proper evidence procedures. Notations of any action taken under this section will be noted on the appropriate log.

RULE NO. 27 ADHERENCE TO LAW ENFORCEMENT CODE OF ETHICS

Departmental personnel will adhere at all times to the Law Enforcement Code of Ethics below:

- a. As a Law Enforcement Officer, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all men to liberty, equality and justice.
- b. I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule, develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.
- c. I will never act officiously or permit personal feelings, prejudices, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.
- d. I recognize the badge of my office as a symbol of public faith, and I accept it, as a public trust to be held so long as I am true to the ethics of the police service.

Appendix C

Racial Profiling Laws and Corresponding General Orders and Standard Operating Procedures

Texas CCP Article	EL PASO POLICE DEPARTMENT OPERATIONAL POLICIES
2.132(b)1	3-202.01 Section A (1)
2.132(b)2	3-202.01 Racial and Biased Based Profiling
2.132(b)3	3-202.02 Section D (2)
2.132(b)4	3-202.02 Section E
2.132(b)5	3-202.02 Section D (1-2)
2.132(b)6	3-202.02 Section A
2.132(b)7	3-202.02 Section C

Appendix D

El Paso Police Department Online Complaint Website and Departmental Brochures on the Complaint Process

<http://www.ci.el-paso.tx.us/police/complaint.asp>

www.elpasotexas.gov - How to File a Complaint - Microsoft Internet Explorer

File Edit View Favorites Tools Help

Back Forward Stop Home Search Favorites

Address <https://www.elpasotexas.gov/police/complaint.asp> Go Links

Home | Government | Residents | Business | Visitors | Departments | Online Services | Meetings | Search

THE CITY OF EL PASO, TEXAS - www.elpasotexas.gov

How to File a Complaint

| [FILE A COMMENDATION ON-LINE](#) | [FILE A COMPLAINT ON-LINE](#) |

Internal Affairs Division

2211 E. Missouri, Suite W-205
(915) 544-7633

Police officers are granted a public trust that requires that they consistently demonstrate the highest degree of integrity. With this in mind, The El Paso Police Department has established Codes of Conduct which set forth the standards requiring officers to maintain a high level of personal and official behavior in order to command the respect and confidence of the public.

When members of the public believe that a police officer with the El Paso Police Department has engaged in misconduct, to include a violation of racial profiling laws, they may report this misconduct at any Police Department facility or at the offices of the Internal Affairs Division located at 2211 E. Missouri, Suite W-205.

The function of the Internal Affairs Division of the El Paso Police Department is to investigate alleged violations of departmental policies and procedures by members of the Department. All investigators assigned to the Internal Affairs Division are members of the National Internal Affairs Investigators Association (N.I.A.I.A.).

This office conducts only Administrative investigations and any statement taken, or allegation made in this office will have no effect on any criminal proceedings pending against you. The complete investigation and final disposition of a case is all handled within the El Paso Police Department. All information obtained and found during the course of the investigation is kept confidential to the extent allowed by law. This office does not investigate criminal allegations. It normally takes the investigators approximately one-hundred and twenty (120) days to completely investigate each case.

After the case has been completed, it is forwarded to the Office of the Chief of Police for review and disposition. Once the final disposition is made on the case you will be notified, in writing. Every member of the El Paso Police Department has a right to appeal disciplinary action taken against him/her. You may be requested or subpoenaed to testify, in person, at a Disciplinary or Appeal Hearing. This appearance will not be mandatory, but may affect the outcome of the hearing.

[print-version](#)

Done Trusted sites

POLICE DEPARTMENT

- Police Dept. Home
- About us
 - Welcome
 - Mission Statement
 - Organization
 - Directory
 - Statistics
 - Annual Report
- Chief's Page
- Top Links
- Employment
- Arrest Photos
- Crime Videos/Pics
- Crime Statistics
- Victim Services
- Regional Commands
- Bureaus & Sections
- Online Reports
- Training
- Youth & Education
- Police Initiatives
- FAQs
- Operation I.D.
- History of EPPD
- Citation Search
- Be A Volunteer

www.elpasotexas.gov - Citizen Complaint Form - Microsoft Internet Explorer

Address: http://www.ci.el-paso.tx.us/police/complaint_report.asp

Home | Government | Residents | Business | Visitors | Departments | Online Services | Meetings | Search

THE CITY OF EL PASO, TEXAS - www.elpasotexas.gov

POLICE DEPARTMENT

Police Dept. Home
About us
Chief's Page
Top Links
Employment
Arrest Photos
Crime Videos/Pics
Crime Statistics
Victim Services
Regional Commands
Bureaus & Sections
Online Reports
Training
Youth & Education
Police Initiatives
FAQs
Operation I.D.
History of EPPD
Citizen Search
Be A Volunteer
Directory
Contact Us
En Español

**El Paso Police Department
Citizen Complaint Form**

Mission Statement

It is the mission of the El Paso Police Department to provide services with integrity and dedication, to preserve life, to enforce the law, and to work in partnership with the community to enhance the quality of life in the City of El Paso.

Your Complaint against our employee(s) is considered serious and will be actively pursued for any misconduct. For this reason, please ensure that your complaint is based upon fact and you have provided us with all of the facts to the best of your ability.

Citizen Complaint Request Form

Enter the appropriate information in the fields below and click the "Send Request" button.

Date and Time Information:

Date of Report: 1/14/2010

Address Where Incident Occurred: _____

Incident occurred between:

Start Date: _____ End Date: _____ (MM/DD/YYYY)

Start Time: _____ End Time: _____ (HH:MM AM/PM)

Your Information:

Last Name: _____ First Name: _____

www.elpasotexas.gov - Citizen Complaint Form - Microsoft Internet Explorer

Address: http://www.ci.el-paso.tx.us/police/complaint_report.asp

Emergency 911
Non-Emergency 832-4400

Your Information:

Last Name: _____ First Name: _____

Home Address: _____ City: _____

State: TX Zip: _____ Home Phone: _____ Work Phone: _____

Email Address: _____ Confirm Email Address: _____

DOB (MM/DD/YYYY) _____ Race: _____ Sex: ☐ Male ☐ Female

Ht: _____ Wt: _____ Hair: _____

Eye Color: _____

Driver's License #: _____ State: _____

Witness Information:

Witness #1

Last Name: _____ First Name: _____

Home Address: _____ City: _____

State: TX Zip: _____ Home Phone: _____ Work Phone: _____

www.elpasotexas.gov - Citizen Complaint Form - Microsoft Internet Explorer

Address: http://www.ci.el-paso.tx.us/police/complaint_report.asp

State: TX Zip: _____ Home Phone: _____ Work Phone: _____

Email Address: _____ Date of Birth: _____

Race: _____ Sex: ☐ Male ☐ Female

Witness #2

Last Name: _____ First Name: _____

Home Address: _____ City: _____

State: TX Zip: _____ Home Phone: _____ Work Phone: _____

Email Address: _____ Date of Birth: _____

Race: _____ Sex: ☐ Male ☐ Female

If you have additional witnesses or information please provide the information in the Narrative of this Form

Police Department Employee Description or Information

Employee #1

Last Name: _____ First Name: _____

Race: _____ Sex: ☐ Male ☐ Female Ht: _____ Wt: _____

www.elpasotexas.gov - Citizen Complaint Form - Microsoft Internet Explorer

Address: http://www.ci.el-paso.tx.us/police/complaint_report.asp

Last Name: _____ First Name: _____

Race: _____ Sex: ☐ Male ☐ Female Ht: _____ Wt: _____

Hair Color/Length: _____ Eye Color: _____ Approximate Age: _____

Was the Accused Employee in Uniform? ☐ Yes ☐ No ☐ Unsure

Anything unusual (for example: Badge#, glasses, mustache, tattoos)

Employee #2

Last Name: _____ First Name: _____

Race: _____ Sex: ☐ Male ☐ Female Ht: _____ Wt: _____

Hair Color/Length: _____ Eye Color: _____ Approximate Age: _____

Was the Accused Employee in Uniform? ☐ Yes ☐ No ☐ Unsure

Anything unusual (for example: Badge#, glasses, mustache, tattoos)

www.elpasotexas.gov - Citizen Complaint Form - Microsoft Internet Explorer

File Edit View Favorites Tools Help

Back Forward Stop Reload Search Favorites

Address http://www.ci.elpaso.tx.us/police/complaint_report.asp Go Links

If you have additional employee(s) or additional information please provide the information in the Narrative of this Form

Narrative or Witness Statement

Please Give a brief description of the incident:

I affirm that this information is true and correct

Your signature:

Please type your name as it appears above that this report is true and correct. By doing so you declare and affirm that your statement has been made by you voluntarily, without persuasion, coercion, or promise of any kind.

You should receive a confirmation e-mail of receipt of your complaint within 10 working days from submission. If you do not receive any confirmation or you have any further questions please contact the El Paso Police Department's Internal Affairs Division at 544-7633 Monday through Friday 8:00 a.m. to 4:00 p.m.

Internet

www.elpasotexas.gov - Citizen Complaint Form - Microsoft Internet Explorer

File Edit View Favorites Tools Help

Back Forward Stop Reload Search Favorites

Address http://www.ci.elpaso.tx.us/police/complaint_report.asp Go Links

I affirm that this information is true and correct

Your signature:

Please type your name as it appears above that this report is true and correct. By doing so you declare and affirm that your statement has been made by you voluntarily, without persuasion, coercion, or promise of any kind.

You should receive a confirmation e-mail of receipt of your complaint within 10 working days from submission. If you do not receive any confirmation or you have any further questions please contact the El Paso Police Department's Internal Affairs Division at 544-7633 Monday through Friday 8:00 a.m. to 4:00 p.m.

print-version

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City of El Paso • 2 Civic Center Plaza • El Paso, Texas 79901 • (915) 541-4000

Internet

**It is the mission of the
El Paso Police Department
to provide
services with integrity and
dedication, to preserve life,
to enforce the law,
and to work in
partnership with the community
to enhance the quality of life in
the City of El Paso.**



Chief Gregory K. Allen

ChiefofPolice@elpasotexas.gov



El Paso Police Department

HOW TO COMMEND AN OFFICER

HOW TO FILE A COMPLAINT

INTERNAL AFFAIRS DIVISION

2211 E. Missouri, Ste. W205
El Paso, TX 79903

Phone: 915-544-7633
Fax: 915-544-5320

How to Commend and Officer

El Paso Police Officers make every effort to perform their duties in a competent, courteous and professional manner. Frequently, many officers exceed the expectations of the public by providing exceptional service that surpasses the norm. If you observe an officer performing their duties in a manner that you think is exceptional and reflects favorably upon the officer and the Department, then we encourage you to take a moment and tell us about it.

Officers take great pride in being recognized by members of the public when they have performed their duties in an exceptional manner. Perhaps more importantly, officers who receive such accolades and encouragement from the citizenry recognize how their efforts are appreciated. Such an encouraging atmosphere improves officer morale and encourages all officers to work harder to improve their individual performance and quality of the services they provide to the public.

If you would like to tell us about an exceptional service that you were the recipient of or observed being done for someone else, you may send an email to the Chief of Police, make a telephone call to a supervisor, send a letter to any region or visit our website to file your



How to file a Complaint

Police officers are granted a public trust that requires that they consistently demonstrate the highest degree of integrity. With this in mind, The El Paso Police Department has established Codes of Conduct which set forth the standards requiring officers to maintain a high level of personal and official behavior in order to command the respect and confidence of the public.

When members of the public believe that a police officer with the El Paso Police Department has engaged in misconduct, to include a violation of racial profiling laws, they may report this misconduct at any Police Department facility or at the offices of the Internal Affairs Division located at 2211 E. Missouri, Suite W-205.

The function of the Internal Affairs Division of the El Paso Police Department is to investigate alleged violations of departmental policies and procedures by members of the Department.

This office conducts only Administrative investigations and any statement taken, or allegation made in this office will have no effect on any criminal proceedings pending against you. The complete investigation and final disposition of a case is all handled within the El Paso Police Department. All information obtained and found during the course of the investigation is kept confidential to the extent allowed by law. This office does not investigate criminal allegations.

After the case has been completed, it is forwarded to the Office of the Chief of Police for review and disposition. Once the final disposition is made on the case you will be notified, in writing. Every member of the El Paso Police Department has a right to appeal disciplinary action taken against him/her. You may be requested or subpoenaed to testify, in person, at a Disciplinary or Appeal Hearing. This appearance will not be mandatory, but may affect the outcome of the hearing.



Locations to file Commendations Or Complaints

WWW.EPPD.ORG

Internal Affairs Division
2211 E. Missouri, Ste. W205 79903; 544-7633

Police Headquarters
911 N. Raynor, 79903; 564-7000

Central Regional Command Center
200 S. Campbell, 79901; 577-5000

Mission Valley Regional Command Center
9011 Escobar, 79915; 872-3600

Northeast Regional Command Center
9600 Dyer, 79924; 759-2000

Pebble Hills Regional Command Center
10780 Pebble Hills, 79935 ; 599-5500

Westside Regional Command Center
4801 Osborne, 79922; 585-6000

LA MISION DEL DEPARTAMENTO
DE POLICÍA
ES DE PROVEER
SERVICIOS CON INTEGRIDAD Y
DEDICACION,
PROTEJER LA VIDA, HACER RESPE-
TAR
LA LEY
Y TRABAJAR EN SOCIEDAD CON LA
COMUNIDAD
PARA AUMENTAR LA CALIDAD DE
VIDA
EN LA CIUDAD DE
EL PASO.



Jefe De Policía Gregory K. Allen

ChiefofPolice@elpasotexas.gov



Departamento De Policía De El Paso

COMO RECOMENDAR A UN AGENTE
DE POLICÍA
Como Poner Una Queja

DIVISION DE ASUNTOS INTERNOS

2211 E. Missouri, Ste. W205
El Paso, TX 79903

Telefono: 915-544-7633
Fax: 915-544-5320

COMO RECOMENDAR A UN AGENTE DE POLICÍA

Los agentes de policía de El Paso hacen todo el esfuerzo por cumplir con su deber en una manera competente, amable y profesionalmente. Frecuentemente sucede que algunos agentes exceden las expectativas del público y ofrecen servicios incomparables y fuera de lo normal. Si usted observa algún agente ofreciendo servicios excepcionales y que reflejan favorablemente al Departamento de Policía y a el mismo, le invitamos a tomarse un momento de su tiempo y hacérselo saber.

Los agentes se enorgullecen al ser reconocidos por miembros de la ciudadanía al cumplir con su deber de una manera excepcional. Aun mas importante, agentes que reciben aprobaciones y elogios de la ciudadanía se dan cuenta que sus esfuerzos son valorizados.

Reconocimientos de este tipo mejoran la moral y motivan a los agentes en esforzarse para mejorar la calidad de servicio al cumplir con su deber y prestar servicio al público.

Si usted desea informarnos de algún servicio excepcional que recibió o que usted observe mande un correo electrónico al Jefe de Policía, llámele a algún supervisor o mande una carta a cualquier comandancia regional de Policía.



Como Poner Una Queja

Los agentes de policía generalmente son otorgados la confianza de la ciudadanía y esto requiere que constantemente estén dispuestos a demuestren el mas alto nivel de integridad. Con esto en mente El Departamento de Policía de El Paso ha establecido Códigos de Conducta que requieren el tener una conducta por encima de lo normal en lo personal y profesionalmente y así ser reconocidos y merecedores de el respeto y confianza de la ciudadanía.

Cuando la ciudadanía cree que algún agente del departamento de policía de El Paso se ha comportado de mala conducta o ah sido racista incluyendo violaciones de la ley, pueden poner su queja en cualquier comandancia regional o en la División de Asuntos Internas localizada en 2211 E. Missouri, # W-205.

La División de Asuntos Internos tiene la capacidad de investigar averiguaciones de este tipo de quejas o de violaciones a los códigos de conducta y pólizas del departamento de policía.

Esta oficina se encarga de investigaciones administrativas y cualquier declaración o alegación hecha en esta oficina no afectara cualquier procedimiento criminal que usted podría tener. La investigación y disposición final será dirigida dentro del departamento de policía. Toda información obtenida durante el curso de la investigación será confidencial al grado permitido por la ley. Esta oficina no investiga alegaciones criminales.

Después de la investigación el caso será enviado a la oficina del jefe de policía para volverse a examinar. En cuanto la investigación y disposición del caso se finalicé usted será notificado por correo. Miembros del departamento de policía tienen el derecho de recurrir a una apelación en cualquier acción en su contra. Usted podría ser citado como testigo o ser ordenado a presentarse en persona durante la apelación. Este citatorio no es obligatorio pero podría afectar el resultado de la audiencia.



SITIOS PARA PONER RECOMENDACIONES O QUEJAS

WWW.EPPD.ORG

Division De Asuntos Internos
2211 E. Missouri, Ste. W205 79903; 544-7633

Jefatura De Policia
911 N. Raynor, 79903; 564-7000

Comandancia Regional Del Central
200 S. Campbell, 79901; 577-5000

Comandancia Regional Del Valle Bajo
9011 Escobar, 79915; 872-3600

Comandancia Regional Noroeste
9600 Dyer, 79924; 759-2000

Comandancia Regional Este, Pebble Hills
10780 Pebble Hills, 79935 ; 599-5500

Comandancia Regional Oeste
4801 Osborne, 79922; 585-6000