

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

DEPARTMENT: Police

AGENDA DATE: April 2, 2019

CONTACT PERSON/PHONE: Assistant Chief Z. Silva 212-4306

DISTRICT(S) AFFECTED: All

STRATEGIC GOAL: NO. 2: Set the Standard for a Safe and Secure City

SUBJECT:

Presentation of the El Paso Police Department's 2018 Racial Profiling Analysis Report, covering the period January 1, 2018 through December 31, 2018, pursuant to the Texas Code of Criminal Procedure (CCP) Article 2.134(b)

BACKGROUND / DISCUSSION:

The Texas Code of Criminal Procedure (CCP) Article 2.132 requires collection of data from traffic stops resulting in issuance of a citation or arrest. CCP Article 2.134 requires that reports analyzing such data be presented to the Mayor and City Council annually.

SELECTION SUMMARY: N/A

COMPENSATION ANALYSIS: N/A

PROTEST

- ☐ Protest Received
- ☒ No Protest Received

COUNCIL REPRESENTATIVE BRIEFING:

Was a briefing provided? Yes or No XX
If yes, select the applicable districts.

- ☐ District 1
- ☐ District 2
- ☐ District 3
- ☐ District 4
- ☐ District 5
- ☐ District 6
- ☐ District 7
- ☐ District 8
- ☒ All Districts

PRIOR COUNCIL ACTION:

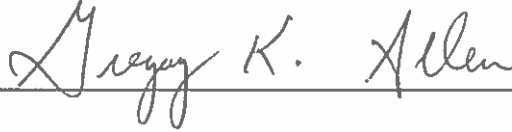
Motion to approve by City Council March 6th, 2018 Annual reviews have been conducted since 2003

AMOUNT AND SOURCE OF FUNDING:

BOARD / COMMISSION ACTION: N/A

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

DEPARTMENT HEAD:

A handwritten signature in black ink, reading "Gregory K. Allen", is written over a horizontal line.

EL PASO POLICE DEPARTMENT

2018

RACIAL PROFILING ANALYSIS

PREPARED BY:

Eric J. Fritsch, Ph.D.

Chad R. Trulson, Ph.D.



DEPARTMENT OF
CRIMINAL JUSTICE
College of Health
& Public Service



Executive Summary

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

1. evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities;
2. examine the disposition of motor vehicle stops made by officers employed by the agency, categorized according to the race or ethnicity of affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction;
3. evaluate and compare the number of searches resulting from motor vehicle stops within the applicable jurisdiction and whether contraband or other evidence was discovered in the course of those searches; and
4. information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

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

- **A COMPREHENSIVE REVIEW OF THE EL PASO POLICE DEPARTMENT REGULATIONS, SPECIFICALLY EL PASO POLICE DEPARTMENT POLICY 302 (RACIAL AND BIAS-BASED PROFILING), OUTLINING THE DEPARTMENT'S POLICY CONCERNING RACIAL PROFILING, 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 EL PASO POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW CONCERNING THE REPORTING OF INFORMATION TO TCOLE.**

- **THE EL PASO 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 El Paso Police Department's policies, training, and statistical information on racial profiling for the year 2018. 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 El Paso Police Department in 2018. The full copies of the applicable laws pertaining to this report are contained in Appendix A.

This report is divided into six sections: (1) El Paso Police Department's policy on racial profiling; (2) El Paso Police Department's training and education on racial profiling; (3) El Paso Police Department's complaint process and public education on racial profiling; (4) analysis of El Paso Police Department's traffic stop data; (5) additional traffic stop data to be reported to TCOLE; and (6) 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 will face disciplinary or corrective action in a timely and consistent manner. 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 and documentation provided by the El Paso Police Department reveals that racial profiling training and certification has been received by all officers in the department.

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 website (<http://home.elpasotexas.gov/police-department/>), the link to an official affidavit form and other information for filing a complaint (<http://www.elpasotexas.gov/police-department/internal-affairs>), 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 and Article 2.133 requires that law enforcement agencies collect statistical information on motor vehicle stops in which a ticket, citation, or warning was issued and to arrests made as a result of those stops, in addition to other information noted previously. El Paso Police Department submitted statistical information on all motor vehicle stops in 2018 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.

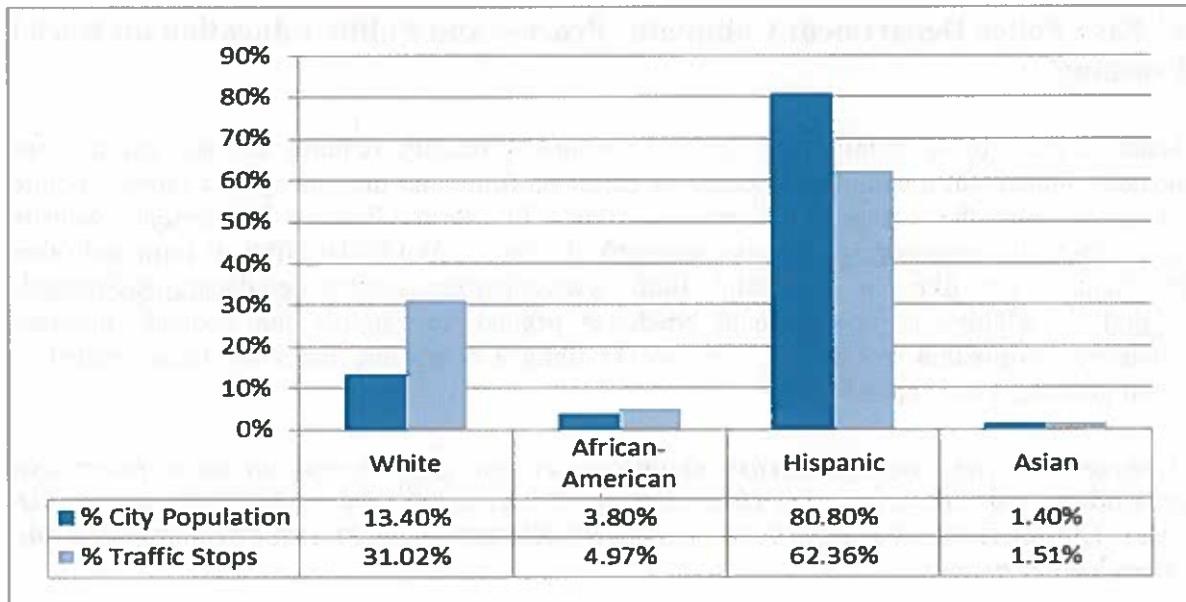
ANALYSIS OF THE DATA REVEALS THAT THE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW ON THE COLLECTION OF RACIAL PROFILING DATA.

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 116,547 motor vehicle stops in which a ticket, citation, or warning was issued, including arrests made, in 2018.¹



White drivers constituted 31.02 percent of all drivers stopped, whereas Whites constitute 13.40 percent of the city population.²

African-American drivers constituted 4.97 percent of all drivers stopped, whereas African-Americans constitute 3.80 percent of the city population.

Hispanic drivers constituted 62.36 percent of all drivers stopped, whereas Hispanics constitute 80.80 percent of the city population.

Asian drivers constituted 1.51 percent of all drivers stopped, whereas Asians constitute 1.40 percent of the city population.

The chart shows that White drivers are stopped at rates higher than the percentage of Whites found in the city population. African-American drivers are stopped at rates slightly higher than the percentage of African-Americans found in the city population. Hispanic drivers are stopped at rates lower than the percentage of Hispanics found in the city population. Asian drivers are stopped at rates slightly higher than the percentage of Asians found in the city population.

¹ There were 161 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 and the total number of motor vehicle stops among all drivers (116,547).

² Population figures were derived from the U.S. Census Bureau 2017 estimates.

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 (i.e., city 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 2017 Census data as a population base-rate, this population measure can become quickly outdated and may not keep pace with changes experienced in city 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 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 ticket, citation, or warning was issued, and to arrests made as a result of those stops, by the El Paso Police Department in 2018. 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)

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	36,151	5,793	72,681	1,761	161	116,547
Result of Stop						
Verbal Warning	0	0	0	0	0	0
Written Warning	3,237	1,011	11,979	163	13	16,403
Citation	32,532	4,521	57,275	1,581	146	96,055
Written Warning and Arrest	0	0	0	0	0	0
Citation and Arrest	0	0	0	0	0	0
Arrest	382	261	3,427	17	2	4,089
Search Conducted						
Yes	700	426	4,409	23	3	5,561
No	35,451	5,367	68,272	1,738	158	110,986

As shown in Table 1, there were a total of 116,547 motor vehicle stops in 2018 in which a ticket, citation, or warning was issued. The table also shows arrests made as a result of those stops. Roughly 14 percent of stops resulted in a **written warning** and roughly 82 percent resulted in a **citation**. **Verbal warnings** did not occur in 2018, nor did **written warnings and arrest** or **citation and arrest**. **Sole arrests** occurred in roughly 4 percent of all stops. As a result, written warnings and citations will be the main focus in the below discussion of these outcomes specific to each racial/ethnic group.

Specific to **written warnings** within each racial/ethnic group, White motorists received a written warning in roughly 9 percent of stops involving White motorists (3,237/36,151), African-American motorists received a written warning in roughly 17 percent of stops of African-American motorists, Hispanic motorists received a written warning in roughly 16 percent of stops of Hispanic motorists, and Asian motorists received a written warning in roughly 9 percent of stops of Asian motorists.

White motorists received a **citation** in roughly 90 percent of stops involving White motorists (32,532/36,151), African-American motorists received a citation in roughly 78 percent of stops of African-American motorists, Hispanic motorists received a citation in roughly 79 percent of stops of Hispanic motorists, and Asian motorists received a citation in roughly 90 percent of stops of Asian motorists.

Finally, relative to **sole arrests**, White motorists were arrested in roughly 1 percent of stops involving White motorists (382/36,151), African-American motorists were arrested in roughly 5 percent of stops involving African-American motorists, Hispanics were arrested in roughly 5 percent of stops involving Hispanic motorists, and Asian motorists were arrested in roughly 1 percent of stops of Asian motorists.

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 2018, a total of 5,561 **searches** of motorists were conducted, or roughly 5 percent of all stops resulted in a search. Among searches within each racial/ethnic group, White motorists were searched in roughly 2 percent of all stops of White motorists (700/36,151), African-American motorists were searched in roughly 7 percent of all stops of African-American motorists, Hispanic motorists were searched in roughly 6 percent of all stops of Hispanic motorists, and Asian motorists were searched in roughly 1 percent of all stops of Asian motorists.

Of the searches that occurred in 2018, and as shown in Table 3, **contraband** was discovered in 1,250 or roughly 22 percent of all searches (1,250/5,561 total searches). Among the searches in which contraband was discovered (1,250), roughly 87 percent of the time the contraband discovered was drugs.

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 2018, internal records indicate that the El Paso Police Department received 3 complaints³ alleging that a peace officer employed by the agency engaged in racial profiling. Upon investigation, each complaint was unfounded.

Additional Information Required to be Reported to TCOLE

Tables 2-4 provide additional information relative to motor vehicle stops in 2018 by the El Paso Police Department. These data are required to be collected by the El Paso Police Department under the Texas Code of Criminal Procedure Article 2.133.

³ One of the three complaints was accidentally duplicated at the Internal Affairs Division. A supervisor duplicated the BlueTeam Log after reading that there was an allegation being made from the initial contact with the Gang Supervisor, however, the Complainant contacted the Internal Affairs Division prior to the Internal Affairs Division supervisor reading the original log. The intake Detective generated a new case number for the Complainant when he received the jail statement, prior to having knowledge of the original BlueTeam Log.

Table 3: Data on Searches Pursuant to Traffic Stops

Search Table	Frequency
Search Conducted	
Yes	5,561
No	110,986
Reason for Search	
Consent	2,826
Contraband in Plain View	150
Probable Cause	572
Inventory	389
Incident to Arrest	1,624
Was Contraband Discovered	
Yes	1,250
No	4,311
Description of Contraband	
Drugs	1,093
Currency	6
Weapons	46
Alcohol	81
Stolen Property	21
Other	3

Table 2: Data on Traffic Stops and Arrests

Stop Table	Frequency
Number of Stops	116,547
Reason for Stop	
Violation of Law	10,500
Preexisting Knowledge	1,153
Moving Traffic Violation	73,232
Vehicle Traffic Violation	31,662
Result of Stop	
Verbal Warning	0
Written Warning	16,403
Citation	96,055
Written Warning and Arrest	0
Citation and Arrest	0
Arrest	4,089
Arrest Based On	
Violation of Penal Code	2,464
Violation of Traffic Law	361
Violation of City Ordinance	51
Outstanding Warrant	1,213

Table 4: Additional Data on Traffic Stops

Additional Information	frequency
Gender	
Male	67,343
Female	49,204
Race/Ethnicity Known Prior to Stop	
Yes	1,595
No	114,952
Was Physical Force Resulting in Bodily Injury Used During Stop	
Yes	181
No	116,366
Approximate Location of Stop	
City Street	97,068
US Highway	6,033
County Road	272
State Highway	12,685
Private Property/Other	489

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.

In addition to providing summary reports and analysis of the data collected by the El Paso Police Department in 2018, 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.

El Paso Police Department TCOLE Reporting Forms

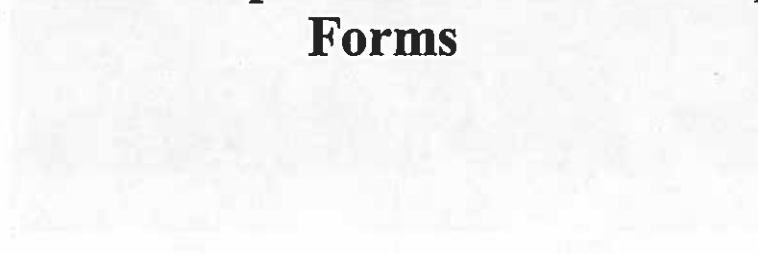


Table with multiple columns and rows, containing faint text and numbers, likely a data table or form.



Racial Profiling Report | Tier Two

Agency Name: El Paso Police Department
Reporting Date: 02/19/2019
TCOLE Agency Number: 141204
Chief Administrator: Gregory K. Allen
Agency Contact Information: El Paso Police Department
Phone: 915-212-4302
Email: AllenG@elpasotexas.gov
Mailing Address: 911 N. Raynor St. El Paso, TX 79903

By submitting, the chief administrator affirms that the agency has a policy in place in accordance with Texas Code of Criminal Procedure §2.132, and that the policy:

- (1) Clearly defines acts constituting racial profiling;
- (2) strictly prohibits peace officers employed by the agency from engaging in racial profiling;
- (3) implements 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) provides public education relating to the agency's compliment and complaint process, including providing the telephone number, mailing address, and email address to make a compliment or complaint with respect to each ticket, citation, or warning issued by a peace officer;
- (5) requires 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) requires collection of information relating to motor vehicle stops in which a ticket, citation, or warning is issued and to arrests made as a result of those stops, including information relating to:
 - (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; and
 - (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) requires 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.

Executed by: X


Chief Administrator

Date:





Racial Profiling Report | Tier Two

Agency Racial Profiling Information

Total stops: 116,547

1. Gender

Female: 49,204

Male: 67,343

2. Race or ethnicity

Black: 5,793

Asian/Pacific Islander: 1,761

White: 36,151

Hispanic/Latino: 72,681

Alaska Native/American Indian: 161

3. Was race or ethnicity known prior to stop?

Yes: 1,595

No: 114,952

4. Reason for stop?

Violation of law: 10,500

Preexisting knowledge: 1,153

Moving traffic violation: 73,232

Vehicle traffic violation: 31,662

5. Street address or approximate location of the stop

City street: 97,068

US highway: 6,033

County road: 272

State highway: 12,685

Private property or other: 489

6. Was a search conducted?

Yes: 5,561

No: 110,986

7. Reason for Search?

Consent: 2,826

Contraband in plain view: 150

Probable cause: 572

Inventory: 389

Incident to arrest: 1,624



Racial Profiling Report | Tier Two

8. Was Contraband discovered?

Yes: 1,250

No: 4,311

9. Description of contraband

Drugs: 1,093

Currency: 6

Weapons: 46

Alcohol: 81

Stolen property: 21

Other: 3

10. Result of the stop

Verbal warning: 0

Written warning: 16,403

Citation: 96,055

Written warning and arrest: 0

Citation and arrest: 0

Arrest: 4,089

Arrest Total = 4,089

11. Arrest based on

Violation of Penal Code: 2,464

Violation of Traffic Law: 361

Violation of City Ordinance: 51

Outstanding Warrant: 1,213

12. Was physical force resulting in bodily injury used during stop?

Yes: 181

No: 116,366

Appendix A
Racial Profiling Statutes

Section 100-10-100

Section 100-10-101

Section 100-10-102

Section 100-10-103

Section 100-10-104

Section 100-10-105

Section 100-10-106

Section 100-10-107

Section 100-10-108

Section 100-10-109

Section 100-10-110

Section 100-10-111

Section 100-10-112

Section 100-10-113

Section 100-10-114

Section 100-10-115

Section 100-10-116

Section 100-10-117

Section 100-10-118

Section 100-10-119

Section 100-10-120

Texas Racial Profiling Statutes

Art. 3.05. RACIAL PROFILING.

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

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

Art. 2.131. RACIAL PROFILING PROHIBITED.

A peace officer may not engage in racial profiling.

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

Art. 2.132. LAW ENFORCEMENT POLICY ON RACIAL PROFILING.

(a) In this article:

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

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

(3) "Race or ethnicity" means the following categories:

- (A) Alaska native or American Indian;
- (B) Asian or Pacific Islander;
- (C) black;
- (D) white; and
- (E) Hispanic or Latino.

(b) Each law enforcement agency in this state shall adopt a detailed written policy on racial profiling. The policy must:

- (1) clearly define acts constituting racial profiling;
- (2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;

(3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;

(4) provide public education relating to the agency's compliment and complaint process, including providing the telephone number, mailing address, and e-mail address to make a compliment or complaint with respect to each ticket, citation, or warning issued by a peace officer;

(5) require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article;

(6) require collection of information relating to motor vehicle stops in which a ticket, citation, or warning is issued and to arrests made as a result of those stops, including information relating to:

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

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

(C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual;

(D) whether the peace officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code, during the stop;

(E) the location of the stop; and

(F) the reason for the stop; and

(7) require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:

(A) the Texas Commission on Law Enforcement; and

(B) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

(c) The data collected as a result of the reporting requirements of this article shall not constitute prima facie evidence of racial profiling.

(d) On adoption of a policy under Subsection (b), a law enforcement agency shall examine the feasibility of installing video camera and transmitter-activated equipment in each agency law enforcement motor vehicle regularly used to make motor vehicle stops and transmitter-activated equipment in each agency law enforcement motorcycle regularly used to make motor vehicle stops. The agency also shall examine the feasibility of equipping each peace officer who regularly detains or stops motor vehicles with a body worn camera, as that term is defined by Section 1701.651, Occupations Code. If a law enforcement agency installs video or audio equipment or equips peace officers with body worn cameras as provided by this subsection, the policy adopted by the agency under Subsection (b) must include standards for reviewing video and audio documentation.

(e) A report required under Subsection (b)(7) may not include identifying information about a peace officer who makes a motor vehicle stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the collection of information as required by a policy under Subsection (b)(6).

(f) On the commencement of an investigation by a law enforcement agency of a complaint described by Subsection (b)(3) in which a video or audio recording of the occurrence on which the complaint is based was made, the agency shall promptly provide a copy of the recording to the peace officer who is the subject of the complaint on written request by the officer.

(g) On a finding by the Texas Commission on Law Enforcement that the chief administrator of a law enforcement agency intentionally failed to submit a report required under Subsection (b)(7), the commission shall begin disciplinary procedures against the chief administrator.

(h) A law enforcement agency shall review the data collected under Subsection (b)(6) to identify any improvements the agency could make in its practices and policies regarding motor vehicle stops.

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

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 25, eff. September 1, 2009.

Acts 2013, 83rd Leg., R.S., Ch. 93 (S.B. 686), Sec. 2.05, eff. May 18, 2013.

Acts 2017, 85th Leg., R.S., Ch. 173 (H.B. 3051), Sec. 1, eff. September 1, 2017.
Acts 2017, 85th Leg., R.S., Ch. 950 (S.B. 1849), Sec. 5.01, eff. September 1, 2017.

Art. 2.133. REPORTS REQUIRED FOR MOTOR VEHICLE STOPS.

(a) In this article, "race or ethnicity" has the meaning assigned by Article 2.132(a).

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

(1) a physical description of any person operating the motor vehicle who is detained as a result of the stop, including:

(A) the person's gender; and

(B) the person's race or ethnicity, as stated by the person or, if the person does not state the person's race or ethnicity, as determined by the officer to the best of the officer's ability;

(2) the initial reason for the stop;

(3) whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;

(4) whether any contraband or other evidence was discovered in the course of the search and a description of the contraband or evidence;

(5) the reason for the search, including whether:

(A) any contraband or other evidence was in plain view;

(B) any probable cause or reasonable suspicion existed to perform the search; or

(C) the search was performed as a result of the towing of the motor vehicle or the arrest of any person in the motor vehicle;

(6) whether the officer made an arrest as a result of the stop or the search, including a statement of whether the arrest was based on a violation of the Penal Code, a violation of a traffic law or ordinance, or an outstanding warrant and a statement of the offense charged;

(7) the street address or approximate location of the stop;

(8) whether the officer issued a verbal or written warning or a ticket or citation as a result of the stop; and

(9) whether the officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code, during the stop.

(c) The chief administrator of a law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, is responsible for auditing reports under Subsection (b) to ensure that the race or ethnicity of the person operating the motor vehicle is being reported.

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

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 26, eff. September 1, 2009.

Acts 2017, 85th Leg., R.S., Ch. 950 (S.B. 1849), Sec. 5.02, eff. September 1, 2017.

Art. 2.134. COMPILATION AND ANALYSIS OF INFORMATION COLLECTED.

(a) In this article:

(1) "Motor vehicle stop" has the meaning assigned by Article 2.132(a).

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

(b) A law enforcement agency shall compile and analyze the information contained in each report received by the agency under Article 2.133. Not later than March 1 of each year, each law enforcement agency shall submit a report containing the incident-based data compiled during the previous calendar year to the Texas Commission on Law Enforcement and, if the law enforcement agency is a local law enforcement agency, to the governing body of each county or municipality served by the agency.

(c) A report required under Subsection (b) must be submitted by the chief administrator of the law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, and must include:

(1) a comparative analysis of the information compiled under Article 2.133 to:

- (A) evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities;
- (B) examine the disposition of motor vehicle stops made by officers employed by the agency,

categorized according to the race or ethnicity of the affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction; and

(C) evaluate and compare the number of searches resulting from motor vehicle stops within the applicable jurisdiction and whether contraband or other evidence was discovered in the course of those searches; and

(2) information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

(d) A report required under Subsection (b) may not include identifying information about a peace officer who makes a motor vehicle stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the reporting of information required under Article 2.133(b)(1).

(e) The Texas Commission on Law Enforcement, in accordance with Section 1701.162, Occupations Code, shall develop guidelines for compiling and reporting information as required by this article.

(f) The data collected as a result of the reporting requirements of this article shall not constitute prima facie evidence of racial profiling.

(g) On a finding by the Texas Commission on Law Enforcement that the chief administrator of a law enforcement agency intentionally failed to submit a report required under Subsection (b), the commission shall begin disciplinary procedures against the chief administrator.

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

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 27, eff. September 1, 2009.

Acts 2013, 83rd Leg., R.S., Ch. 93 (S.B. 686), Sec. 2.06, eff. May 18, 2013.

Acts 2017, 85th Leg., R.S., Ch. 950 (S.B. 1849), Sec. 5.03, eff. September 1, 2017.

Art. 2.136. LIABILITY.

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

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

Art. 2.137. PROVISION OF FUNDING OR EQUIPMENT.

(a) The Department of Public Safety shall adopt rules for providing funds or video and audio equipment to law enforcement agencies for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras, including specifying criteria to prioritize funding or equipment provided to law enforcement agencies. The criteria may include consideration of tax effort, financial hardship, available revenue, and budget surpluses. The criteria must give priority to:

- (1) law enforcement agencies that employ peace officers whose primary duty is traffic enforcement;
- (2) smaller jurisdictions; and
- (3) municipal and county law enforcement agencies.

(b) The Department of Public Safety shall collaborate with an institution of higher education to identify law enforcement agencies that need funds or video and audio equipment for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras. The collaboration may include the use of a survey to assist in developing criteria to prioritize funding or equipment provided to law enforcement agencies.

(c) To receive funds or video and audio equipment from the state for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras, the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency needs funds or video and audio equipment for that purpose.

(d) On receipt of funds or video and audio equipment from the state for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras, the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency has taken the necessary actions to use and is using video and audio equipment and body worn cameras for those purposes.

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

Amended by:

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

Art. 2.138. RULES.

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

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

Art. 2.1385. CIVIL PENALTY.

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

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


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

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

Amended by:

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

Appendix B
El Paso Police Department Racial and
Bias-Based Profiling Policy (302)

 El Paso Police Department Procedures Manual	Chapter 3: Field Operations, Custody, and Traffic Enforcement
302 Racial and Bias-Based Profiling	Effective Date: 09/12/2018

302 RACIAL AND BIAS-BASED PROFILING

Officers shall be fair and equitable in deciding whether or not to make citizen contacts and take law enforcement actions. Racial and bias-based profiling are strictly prohibited.

302.1 DEFINITIONS

- A. **Bias-Based Profiling.** The selection of an individual for law enforcement contact or police action including a stop, detention, search, issuance of citation, or arrest – based on a trait common to a group, including race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group characteristic, rather than on the individual's behavior or on information received identifying the individual as a criminal suspect or perpetrator.
- B. **Racial Profiling.** A type of bias-based profiling wherein law enforcement decisions and actions are based on an individual's race, color, ethnicity, or national origin rather than on the individual's behavior or on information received identifying the individual as a criminal suspect or perpetrator.

302.2 CONSIDERATION OF GROUP TRAITS IN LAW ENFORCEMENT DECISIONS

Generally, race, ethnicity, national origin and other group traits may be considered as factors in deciding law enforcement actions only when those characteristics are part of a description received of a specific suspect, perpetrator or witness for whom an officer is then searching.

302.3 OFFICER-INITIATED REPORTING DATA

As per CCP Article 2.132 and Article 2.133, for purposes of state-mandated data collection and reporting with respect to racial and bias-based profiling, the terms as shown below will be utilized. Officers shall comply with the following when, as a result of all motor vehicle traffic stops, an arrest is made, or a citation or written warning is issued:

A. Information Required.

The information required on the I-LEADS arrest module, and/or on a citation/written warning (both hard copy and e-ticket) will be completed for each person cited, warned, or arrested. In the event that several people are present when making a motor vehicle stop, information will be captured only for those who are cited or arrested. Officers making arrests and/or issuing citations shall fill out all the data in the provided fields:

1. Gender:
 - a) Male
 - b) Female
2. Race or ethnicity of the individual detained as stated by the person detained, or, if the person does not state their race or ethnicity, as determined by the officer to the best of his or her ability.
 - a) Alaska Native or Native American (AI)
 - b) Asian or Pacific Islander (A)
 - c) Black (B)
 - d) White (W)
 - e) Hispanic or Latino (H)
3. Was race or ethnicity known prior to stop?
 - a) Yes
 - b) No
4. Reason for the stop.
 - a) Violation of Law
 - b) Pre-existing knowledge
 - c) Moving traffic violation
 - d) Vehicle traffic violation
5. Approximate location of the stop.
 - a) City Street
 - b) US Highway
 - c) County Road
 - d) Private property or other

6. Was a search conducted?

- a) Yes
- b) No

7. Reason for the search.

- a) Consent
- b) Contraband in plain view
- c) Probable Cause
- d) Inventory
- e) Incident to arrest

8. Was contraband discovered?

- a) Yes
- b) No

9. Description of contraband.

- a) Drugs
- b) Currency
- c) Weapons
- d) Alcohol
- e) Stolen property
- f) Other

10. Result of stop.

- a) Written warning
- b) Citation
- c) Arrest

11. Did the officer use physical force that resulted in bodily injury?

- a) Yes
- b) No

12. Arrest based on.

- a) Violation of Penal code
- b) Violation of Traffic law
- c) Violation of City ordinance
- d) Outstanding warrant

B. Data Collection.

Racial profiling data must be collected for any motor vehicle stopped for an alleged violation of a law or ordinance. Officers who initiate a motor vehicle stop, shall document such occurrence by one the following methods:

1. Traffic citation or Class C citation;
2. Traffic written warning; (officers are not to issue verbal warnings)
3. Incident Report / ILEADS Arrest Card Racial Profiling supplement.
 - a) The above methods are designed for the primary purpose of law enforcement; however, they have been modified to comply with state mandates on racial/bias profiling. As such, they must be filled-out correctly, completely, and on a timely basis.
 - b) Racial profiling data shall be collected only once for each individual arrested, cited, or warned stemming from the vehicle traffic stop. If a citation or written warning is the only documentation of the motor vehicle stop, the data shall be included on the citation / written warning. If an arrest is made, an Incident Report shall be completed and the racial profiling data will be collected on the Arrest Report and racial profiling supplement.

C. Data Collection Exemption.

When an officer conducts a vehicle traffic stop and the initial probable cause or reasonable suspicion is found to be an oversight (i.e. matched BOLO description, initial stop for expired MVR that is current, etc.), the officer shall comply with the following:

1. Once the officer is aware that the traffic stop was made due to an oversight or incorrect information received, the officer shall verbally advise the operator and release the motor vehicle. The officer shall annotate the traffic stop on his or her Daily Activity Report.
2. The officer is not required to collect any racial profiling data or complete a written warning.

D. 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 by the Chief of Police or his designee to City Council and the Texas Commission on Law Enforcement (TCOLE) no later than March 1 of the following year.

2. The annual report, along with any pertinent information used to compile the report, will be forwarded to an authorized outside source (Professional Development Institute at the University of North Texas) who will assess the Department's compliance to state mandates in regards to racial profiling and provide the Department with an in-depth analysis of their findings.
3. The annual report shall not include identifying information about any individual stopped or arrested, or about any peace officer involved in a stop or arrest.

E. Training.

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 training, 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.

F. Investigating Complaints.

1. 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 IAD 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, the City of El Paso's Civil Service Rules and Regulations, and the El Paso Municipal Police Officer Association contract.
2. 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.

Appendix C

Racial Profiling Laws and Corresponding General Orders

Texas CCP Article	EL PASO POLICE DEPARTMENT BIAS-BASED PROFILING POLICY (302)
2.132(b)1	302.1 Definitions
2.132(b)2	302 Racial and Bias-Based Profiling
2.132(b)3	302.3 (F) Investigating Complaints and Complaint Brochure
2.132(b)4	Department Website and Complaint Brochure
2.132(b)5	302.3 (F) Investigating Complaints
2.132(b)6	302.3 (A-C) Information Required
2.132(b)7	302.3 (D) Reporting Requirements

Appendix D

El Paso Police Department Online Complaint Website and Departmental Brochures



CITY OF
EL PASO



GOVERNMENT

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BUSINESS

VISITORS

DEPARTMENTS

MEETINGS

CONTACT

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POLICE DEPARTMENT

NON-EMERGENCY: 915-832-4400 | EMERGENCY: 911

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PROTECT
AND
SERVE



INTERNAL AFFAIRS

A Message From The Chief of Police

Community policing is a philosophy and management style adopted by the El Paso Police Department that promotes proactive problem solving and police community partnerships. The close working relationships with the community enable the police department to achieve an appropriate level of professionalism and establish public confidence in law enforcement. The Department, therefore, demands a high standard of conduct and discipline from all its employees (uniform and civilian) in order to preserve the necessary trust and confidence within the community we serve. As a result, the Department will accept all comments about an employee's conduct or performance whether it is to commend or complain.

When a citizen feels that an employee of the Department acted improperly, that citizen is encouraged to contact the Internal Affairs Division to discuss or report the complaint. Timely complaints will be thoroughly investigated by Internal Affairs because the Department takes all complaints seriously. We have a commitment to the community and understand that the services the police provide are directly related to the quality of our relationship with the people we serve.

Yours in Service,

Gregory K. Allen
Chief of Police

What Is Internal Affairs

The mission of the Internal Affairs Division is to accept, register and investigate complaints of alleged misconduct by an employee of the Department in an objective and impartial manner to ensure justice and fairness towards Department employees and the citizens of El Paso. The purpose of Internal Affairs is to ensure professional conduct by all Department employees and to maintain a high level of overall integrity for the Department.

Internal Affairs only conducts administrative investigations into alleged serious misconduct by current employees of the Department. Serious misconduct would include but not be limited to officer-involved shootings, critical incidents involving death or serious bodily injury, alleged constitutional violations, alleged racial profiling/discrimination, dishonesty, drug use, sexual misconduct, allegations of a violation of any law, excessive use of force, allegations of misconduct involving more than one division, complaints by employees of discrimination, sexual harassment or other unlawful employment practices and cases referred directly by the Chief of Police or command staff.

Allegations of minor misconduct will be referred back to the divisional level for investigation. However, Internal Affairs will oversee the administrative investigation process.

Filing A Formal Complaint

A formal complaint may be lodged with Internal Affairs or with any supervisor in the police department, who will then forward the complaint to Internal Affairs. A formal complaint is a written allegation against an employee of the Department that could result in disciplinary action, up to and including termination. State law requires that complaints against police officers be in writing and signed by the person making the complaint.

Persons complaining by e-mail or orally will be requested to submit their complaint in writing with their signature affixed, and will be provided the appropriate affidavit form, which is available on the Department's web site ([Complaint Affidavit / Queja Declaración Jurada](#)). The Complaint Affidavit can be sent via mail or dropped off in person at Internal Affairs or left with any police supervisor at the [Regional Commands](#). Please note that the Complaint Affidavit needs to be notarized, this can be done at any of the Regional Commands or at the office of Internal Affairs.

All complaints will have a preliminary investigation conducted by Internal Affairs to determine if the employee has violated a law or a departmental policy, procedure, rule or regulation during the incident. A complaint will not be investigated if the evidence determines no violation and such will be explained to the complainant. A complaint also will not be investigated if it is barred by time limitations and such will be explained to the complainant.

If a complaint cannot be investigated, Internal Affairs will retain the information in its files and the Department will consider if non-disciplinary action is necessary.

Internal Affairs Division

211 N. Florence #205

915-212-0157

POSSIBLE OUTCOMES OF INVESTIGATION

Possible dispositions at the conclusion of an investigation are:

- **Unfounded:** the alleged act did not occur.
- **Exonerated:** the alleged act occurred but was lawful and proper.
- **Not Sustained:** there is insufficient evidence to prove or disprove the alleged act.
- **Sustained:** there is sufficient evidence to conclude the alleged act took place.

A Discipline Review Board determines the disposition on completed investigations. The Chief of Police has final authority on all disciplinary matters.

When an investigation is sustained, one of the following actions may be taken against the employee, depending on the nature of the violation:

- Counseling
- Training
- Written Reprimand
- Suspension
- Demotion
- Termination

Employees can appeal disciplinary action taken against them. Such appeals are governed by Civil Service Rules, the collective bargaining agreement and relevant state or local law.

USEFUL ADDRESSES & PHONE NUMBERS

Chief of Police
El Paso Police Department
911 N. Raynor (915) 212-4000
El Paso, TX 79903

Regional Command Centers:

- **Central** (915) 212-0210
200 S. Campbell
El Paso, TX 79901
- **Pebble Hills** (915) 212-0190
10780 Pebble Hills #A
El Paso, TX 79935
- **Mission Valley** (915) 212-0400
9011 Escobar
El Paso, TX 79907
- **Northeast** (915) 212-8100
9600 Dyer
El Paso, TX 79924
- **Westside** (915) 212-0370
4801 Osborne
El Paso, TX 79912

"We should never be afraid of the truth, regardless of where it leads us."

Thomas Jefferson

COMPLAINT PROCESS



INTERNAL AFFAIRS DIVISION

211 N. Florence, Ste 205
El Paso, TX 79901
915-212-0157

A MESSAGE FROM THE CHIEF OF POLICE

Community policing is a philosophy and management style adopted by the El Paso Police Department that promotes proactive problem solving and police community partnerships. The close working relationships with the community enable the police department to achieve an appropriate level of professionalism and establish public confidence in law enforcement. The Department, therefore, demands a high standard of conduct and discipline from all its employees (uniform and civilian) in order to preserve the necessary trust and confidence within the community we serve. As a result, the Department will accept all comments about an employee's conduct or performance whether it is to commend or complain.

When a citizen feels that an employee of the Department acted improperly, that citizen is encouraged to contact the Internal Affairs Division to discuss or report the complaint. Timely complaints will be thoroughly investigated by Internal Affairs because the Department takes all complaints seriously. We have a commitment to the community and understand that the services the police provide are directly related to the quality of our relationship with the people we serve.

Yours in Service,

Gregory K. Allen
Chief of Police

WHAT IS INTERNAL AFFAIRS?

The mission of the Internal Affairs Division is to accept, register and investigate complaints of alleged misconduct by an employee of the Department in an objective and impartial manner to ensure justice and fairness towards Department employees and the citizens of El Paso. The purpose of Internal Affairs is to ensure professional conduct by all Department employees and to maintain a high level of overall integrity for the Department.

Internal Affairs only conducts administrative investigations into alleged serious misconduct by current employees of the Department. Serious misconduct would include but not be limited to officer-involved shootings, critical incidents involving death or serious bodily injury, alleged constitutional violations, alleged racial profiling/discrimination, dishonesty, drug use, sexual misconduct, allegations of a violation of any law, excessive use of force, allegations of misconduct involving more than one division, complaints by employees of discrimination, sexual harassment or other unlawful employment practices and cases referred directly by the Chief of Police or command staff.

Allegations of minor misconduct will be referred back to the divisional level for investigation. However, Internal Affairs will oversee the administrative investigation process.

FILING A FORMAL COMPLAINT

A formal complaint may be lodged with Internal Affairs or with any supervisor in the police department, who will then forward the complaint to Internal Affairs. A formal complaint is a written allegation against an employee of the Department that could result in disciplinary action, up to and including termination. State law requires that complaints against police officers be in writing and signed by the person making the complaint.

Persons complaining by e-mail or orally will be requested to submit their complaint in writing with their signature affixed, and will be provided the appropriate affidavit form, which is available on the Department's web site:

www.elpasotexas.gov/police/internalaffairs.asp

All complaints will have a preliminary investigation conducted by Internal Affairs to determine if the employee has violated a law or a departmental policy, procedure, rule or regulation during the incident. A complaint will not be investigated if the evidence determines no violation and such will be explained to the complainant. A complaint also will not be investigated if it is barred by time limitations and such will be explained to the complainant.

If a complaint cannot be investigated, Internal Affairs will retain the information in its files and the Department will consider if non-disciplinary action is necessary.

Posibles Resultados de una Investigación

Los posibles resultados al concluir la investigación son:

- **Infundada:** el supuesto acto no ocurrió.
- **Exonerada:** el supuesto acto ocurrió, pero fue legal y apropiado.
- **No Sostenida:** No hay suficiente evidencia para probar o desaprobar el supuesto acto.
- **Sostenida:** Hay suficiente evidencia para concluir que el supuesto acto si ocurrió.

Un Panel Disciplinario determinara los resultados de las investigaciones ya completas. El Jefe de Policía tiene la autoridad final en todos los asuntos disciplinarios.

Cuando una investigación es sostenida, una de las siguientes acciones será tomada en contra del empleado, dependiendo la naturaleza de la violación:

- Consejería
- Entrenamiento
- Reprimenda por escrito
- Suspensión
- Descenso de rango
- Despido de su empleo

Los empleados pueden apelar la acción disciplinaria tomada en contra de ellos. Tal apelación es controlada por las Reglas del Servicio Civil, el convenio de negociación colectiva y la ley relevante del estado o local.

Domicilios y Teléfonos Útiles

Jefe de Policía
Departamento de Policía de El Paso
911 N. Raynor (915) 212-4000
El Paso, TX 79903

Centros de Comandancias Regionales:

- **Central** (915) 212-0210
200 S. Campbell
El Paso, TX 79901
- **Pebble Hills** (915) 212-0190
10780 Pebble Hills #A
El Paso, TX 79935
- **Mission Valley** (915) 212-0400
9011 Escobar
El Paso, TX 79907
- **Northeast** (915) 212-8100
9600 Dyer
El Paso, TX 79924
- **Westside** (915) 212-0370
4801 Osborne
El Paso, TX 79912

**“Nunca debemos temer a la verdad,
sin importar a donde nos llevara.”**

Thomas Jefferson

Proceso de Quejas



División de Asuntos Internos

211 N. Florence, Ste 205
El Paso, TX 79901
915-212-0157

Un mensaje del Jefe de Policía

Patrullaje comunitario es una filosofía y estilo de administración adoptado por el Departamento de Policía de El Paso que promueve la solución eficaz de problemas y compañerismo con la comunidad. El tener una relación cercana con la comunidad permite al departamento de policía lograr un nivel apropiado de profesionalismo y establecer la confianza del público para aplicar la ley. El departamento, aun así, demanda un alto estándar de conducta y disciplina de todos sus empleados (uniformados y civiles) para poder mantener la confianza y certeza necesaria dentro de la comunidad a la cual servimos. Como resultado, el departamento aceptara todos los comentarios acerca de la conducta de sus empleados o su desempeño aun cuando sea para recomendar o poner una queja.

Cuando un ciudadano siente que un empleado del departamento actuó inadecuadamente, ese ciudadano es animado para que contacte a la División de Asuntos Internos para discutir o reportar una queja. Las quejas oportunas serán investigadas a fondo por Asuntos Internos porque el departamento toma todas las quejas muy seriamente. Tenemos el compromiso con la comunidad y entendemos que los servicios que la policía provee son directamente relacionados con la calidad de nuestra relación con la gente que servimos.

A su Servicio,

Gregory K. Allen
Jefe de Policía

¿Que es Asuntos Internos?

La misión de la División de Asuntos Internos es el de tomar, registrar, e investigar quejas de supuesta mala conducta de un empleado del Departamento en una manera imparcial y con un objetivo de asegurar rectitud y justicia hacia el empleado del departamento y los ciudadanos de El Paso. El propósito de Asuntos Internos es el de asegurar una conducta profesional de todos los empleados del departamento y mantener un alto nivel de integridad para el departamento.

Asuntos Internos solo hace investigaciones administrativas en presuntos casos de mala conducta de los empleados del departamento. Estas investigaciones incluye pero no están limitadas a: tiroteos donde involucra al oficial, incidentes críticos que involucra muerte o lastimaduras graves, supuestas violaciones constitucionales, supuesta discriminación racial, deshonestidad, uso de drogas, conducta sexual inapropiada, alegaciones de romper alguna ley, uso excesivo de fuerza, alegaciones de mala conducta que involucren a mas de una división, quejas de empleados por discriminación, acoso sexual o cualquier otra practica ilegal del empleador y casos referidos directamente del Jefe de Policía o del personal en mando.

Alegaciones de mala conducta menores serán referidas a un nivel divisional para la investigación. Sin embargo, Asuntos Internos supervisara el proceso de la investigación administrativa.

Archivando una Queja Formal

Una queja formal puede ser puesta con Asuntos Internos o con cualquier supervisor en el departamento de policía, el cual después mandara la queja a Asuntos Internos. Una queja formal es una alegación por escrito en contra de un empleado del departamento el cual puede resultar en una acción disciplinaria, o despido de su empleo. La ley del Estado requiere que las quejas en contra de los oficiales de policía sean por escrito y firmada por la persona que hace la queja.

Las personas que hacen su queja por correo electrónico u oralmente se les requerirá que pongan una queja por escrito con su firma adherida, y se le proveerá la forma apropiada para la declaración jurada, la cual esta disponible en la pagina de Internet del departamento

www.elpasotexas.gov/police/internalaffairs.asp

Todas las quejas tendrán una investigación preliminar conducida por Asuntos Internos para determinar si el empleado ha violado la ley o una política del departamento, procedimiento, regla, o regulación durante el incidente. Una queja no será investigada si la evidencia determina que no hay violación y tal será explicada al demandante. Una queja también no será investigada si esta sujeta a limitaciones de tiempo y tal será explicada al demandante.

Si una queja no puede ser investigada, Asuntos Internos conservara la información en sus archivos y el departamento considerada si una acción disciplinaria es necesaria.



El Paso Police Department

Racial Profiling 2018 Data Analysis Report

Annual Presentation

April 2nd 2019

Strategic Goal 2: Set the Standard for a
Safe and Secure City

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PURPOSE

Article 2.132 (7) of the Texas Code of Criminal Procedures 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 subsequent to traffic stops and whether or not those individuals were searched.

**CODE OF CRIMINAL
PROCEDURE**



Racial Profiling 2018 Data Analysis Report

Analysis performed and report prepared by independent third party :
University of North Texas / Professional Development Institute

Eric J. Fritsch, Ph.D.
Chad Trulson, Ph.D.



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Racial Profiling means a law enforcement initiated action based on an individuals race, ethnicity, or national origin rather than on the individuals behavior or on information identifying the individual's having engaged in criminal activity



Reporting Requirements

1. Policy
2. Training and Education
3. Complaint process and public education
4. Analysis of traffic stop data
5. Additional data reported to Texas Commission on Law Enforcement Education
6. Compliance with applicable laws on racial profiling





2018 Citations / Warnings by Racial Groups



2018	White	Black	Hispanic / Latino	Asian / Pacific Islander	Alaska Native /American Indian	Totals
Vehicle Stops	36,151	5,793	72,681	1,761	161	116,547
Citations	32,532	4,521	57,275	1,598	146	96,055
Citation/Arrest	0	0	0	0	0	0
Arrest	382	261	3,427	17	2	4,089
Searches	700	426	4,409	23	3	5,561
Consent Searches	400	241	2,177	7	1	2,826
Warnings	3,237	1,011	11,979	163	13	16,403

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El Paso Population Census Data

	Gender		Population	Percentage
	Female	Male	Race/Ethnicity Totals	
Black	13,976	12,001	25,977	3.8%
Asian/ Pacific Island	4,909	4,661	9,570	1.4%
White	46,990	44,609	91,599	13.4%
Hispanic/ Latino	283,345	268,985	552,330	80.8%
Alaska Native / American Indian	2,104	1,997	4,101	.6%
Totals	351,324	332,253	<u>683,577</u>	100%
	51.3%	48.7%		

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Vehicle Stops by Racial Groups

2018	White	Black	Hispanic / Latino	Asian / Pacific Islander	Alaska Native / American Indian	Totals
Stops	36,151	5,791	72,681	1,761	161	116,547
% of Total Stops	31.02%	4.97%	62.36%	1.51%	0.14%	100%
Racial Group % of Total Population	13.40%	3.80%	80.80%	1.40%	0.60%	100%

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Vehicle stops and vehicle searches

2018	White	Black	Hispanic / Latino	Asian / Pacific Islander	Alaska Native / American Indian	Totals
Total Stops	36,151	5,791	72,681	1,761	161	116,547
Total Searches	700	426	4,409	23	3	5,561
% of Total Searches 100%	12.59% (13.4%)	7.66% (3.8%)	79.28% (80%)	0.41%	0.05%	100%

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Racial Profiling 2018 Data Analysis Report

All marked vehicles and motorcycles used for patrol and traffic functions are equipped with video cameras

All traffic stops are recorded



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Racial Profiling 2018 Data Analysis Report

Information is captured from citations, warnings

CITY OF EL PASO, TEXAS
EL PASO POLICE DEPARTMENT
TRAFFIC CITATION

X DEFENDANT'S SIGNATURE

I agree to answer this citation by appearing at my arraignment hearing at El Paso Municipal Court's Northeast site, 9600 DYER on: _____ month / _____ day / _____ year between the hours of 7:00 - 11:00 a.m. or 1:00 - 3:00 p.m. or by payment of the prescribed fine before the arraignment date. Signing of this citation is not an admission of guilt.

OFFICER _____ NO. _____ DIV. _____

NAME OF DEFENDANT (PRINT) FIRST NAME _____ LAST NAME _____ MI _____

SEX _____ STREET ADDRESS _____ CITY _____ STATE _____ ZIP _____

TEL. NO. _____ NAME OF SCHOOL IF A STUDENT _____

EMPLOYER'S ADDRESS _____ PARENT/GUARDIAN ADDRESS _____ TEL. NO. _____

D.L. NO. _____ LICENSING STATE _____ D.O.B. _____

VEH. REGIS. _____ STATE _____ REGIS. YEAR _____

YR. MODEL _____ MAKE _____ MODEL _____ COLOR _____

LOCATION _____ DIRECTION _____

NEAREST INTERSECTION _____ APPROX. LOCATION OF STOP CITY ST. US HWY. PRIVATE OTHER DIST. _____

VIOLATION #1 CHARGED _____ CODE: _____

VIOLATION #2 CHARGED _____ CODE: _____

VIOLATION #3 CHARGED _____ CODE: _____

VIOLATION #4 CHARGED _____ CODE: _____

VIOLATION #5 CHARGED _____ UNABLE TO VERIFY FINANCIAL RESPONSIBILITY ☐

SEARCH Y N CONSENT Y N CONTR. BND Y N RACE/ETHN. B AP W HL ANAI

ACC. Y N TIME AM PM RACE KNOWN PRIOR TO STOP Y N

REASON FOR STOP VL PE MV TV REASON FOR SEARCH PV PC IN IA DESCRIPTION OF CONTRABAND D C W A SP O

CASE NO. _____

CITY OF EL PASO, TEXAS
EL PASO POLICE DEPARTMENT
WRITTEN WARNING

OFFICER _____ NO. _____ DIV. _____

NAME OF RECIPIENT (PRINT) FIRST NAME _____ LAST NAME _____ MI _____

DATE _____ 001001

STREET ADDRESS _____ CITY _____ STATE _____ ZIP _____

D.L. NO. _____ LICENSING STATE _____ D.O.B. _____

VEH. REGIS. _____ STATE _____ REGIS. YEAR _____

YR. MODEL _____ MAKE _____ MODEL _____ COLOR _____

LOCATION _____ DIRECTION _____

NEAREST INTERSECTION _____ DIST. _____

WARNING #1 _____

WARNING #2 _____

GENDER	RACE OR ETHNICITY	REASON FOR STOP
FEMALE <input type="checkbox"/>	BLACK <input type="checkbox"/>	VIOLATION OF LAW <input type="checkbox"/>
MALE <input type="checkbox"/>	ASIAN / PACIFIC ISLANDER <input type="checkbox"/>	PRE EXISTING KNOWLEDGE <input type="checkbox"/>
	WHITE <input type="checkbox"/>	MOVING TRAFFIC VIOLATION <input type="checkbox"/>
	HISPANIC / LATINO <input type="checkbox"/>	VEHICLE TRAFFIC VIOLATION <input type="checkbox"/>
	ALASKA NATIVE / AMERICAN INDIAN <input type="checkbox"/>	

WAS RACE OR ETHNICITY KNOWN PRIOR TO STOP? YES ☐ NO ☐

WAS A SEARCH CONDUCTED? YES ☐ NO ☐

REASON FOR SEARCH: CONSENT ☐ PROBABLE CAUSE ☐

APPROXIMATE LOCATION OF THE STOP CITY STREET ☐

US HIGHWAY ☐ PRIVATE PROPERTY OR OTHER ☐

I hereby acknowledge receipt of the following warning and was informed that no penalty or court appearance will be required.

Signature _____

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Stop Data HH 12:41

Save

Knew Race No

Use of Force Use of Force - Bodily Injury

Stop Location City street

Stop Reason Moving traffic violation

Arrest Reason Outstanding Warrant

Search No Search

Consent

Contraband in plain view

Incident to arrest

Inventory

No Search

Probable cause

User Stop

Actions (0) Results (0) Rtrns OK

E-Ticket

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Racial Profiling 2018 Data Analysis Report

Information is captured from the arrest cards

Arrest [Initial]

Agency: Arrest ID:

Case: Xref ID: Book No.:

Primary key: Approval level:

Page 1 Page 2 Page 3 Page 4

Arrest date: Time: Tract: Mult clr indic:

Name: Race: Sex: DOB: Age: Resident:

FP/Photo: FP/CKN: This arrest was the result of a traffic stop:

Weapon 1: Weapon 2: A citation was issued:

Arrest type: Race/Ethnicity Known Prior To Stop: Ethnicity:

Location: Apt: City: St: Zip: Verify

Loc comment:

Charge...

DIMS

VI 65+/DIS

Grant:

Arresting officer:

Submitted:

Supervisor:

Status:

Disposition:

Juvenile disp:

Search Conducted: Consent Search: City of El Paso Resident: IBR Validation

Assist... Next Add Delete Search Exit Booking

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Racial Profiling 2018 Data Analysis Report



1,595 (1.3%) of stops race is known prior to stop

1,153 (1.0%) pre-existing knowledge

5,561 (4.7%) of all stops result in a search

3 complaints of racial profiling were reported to the department – one was a duplicate reported at the region then again at Internal Affairs –

Status of the complaints – Unfounded



Racial Profile Training

Academy Recruits receive 4 hours of Racial Profiling training

1st year Officers receive additional Racial Profiling training to obtain their intermediate Peace Officer Certification (2 hours)

The Police Academy sends out a yearly training bulletin

Racial Profiling training is also offered via classroom instruction twice yearly via in-service training 1 hour



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EXECUTIVE SUMMARY

“..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.”

Source: Quoted by Eric J. Fritsch, Ph.D. and Chad R. Trulson, Ph.D.
El Paso Police Department 2018 Racial Profiling Analysis,
Executive Summary
“Delivering Outstanding Services”



2018 Racial Profiling Report



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See you next year

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