

Amarillo Police Department



Racial Profiling Report

2017

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Racial Profiling Background

Texas Code of Criminal Procedure (CCP) Article 2.132, Law Enforcement Policy on Racial Profiling established requirements that law enforcement agencies throughout Texas adopt a written policy on racial profiling. The law requires the policy address seven areas to include: (1) clearly defined 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 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; (6) require the collection of information relating to traffic stops in which a citation was issued, and to arrests resulting from those traffic stops, including information relating to (a) the race or ethnicity of the individual detained; (b) and whether a search was conducted, (c) and if so, whether the person who was detained had 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.

CCP Article 2.132 defines a "Motor Vehicle Stop" as an occasion in which a peace officer stops a motor vehicle for an alleged violation of law or ordinance. It also declares that "race and ethnicity" means a person is of a particular decent, including Caucasian, African, Hispanic, Asian, Native American, or Middle Eastern.

The Amarillo Police Department has established policy (General Order 3.25) that unequivocally states that bias based profiling, including racial or ethnic profiling, is illegal and unacceptable. The policy provides guidelines for officers to prevent any such occurrences. Officers will actively enforce the law and make law enforcement decisions without regard to race, ethnicity, national origin, gender, sexual orientation, religion, economic status, age, culture group, or any other identifiable group, rather than on the individual's behavior or

information identifying the individual as having engaged in criminal activity. This policy also provides for officers to receive bias based training in accordance with the Texas Commission on Law Enforcement (TCOLE) guidelines. This policy establishes guidelines for appropriately handling complaints related to bias based profiling. It also requires supervisors to periodically review video from each officer's in car camera/recording system to ensure compliance with this directive.

Each Texas law enforcement agency falls into one of three reporting categories for information collection and reporting. First, law enforcement agencies that do not routinely make motor vehicle stops can be fully exempt from reporting requirements. Second, **"Tier 1"** data collection is required under Article 2.132 of the Code of Criminal Procedures and lastly, **"Tier 2"** information collection and reporting is required under Article 2.133 of the Code of Criminal Procedures and is more in-depth as to the data required to be collected. Under Article 2.135 of the Code of Criminal Procedure, agencies may report only Tier 1 (simplified) data if those agencies meet certain criteria, primarily the installation of video cameras and transmitters in each agency law enforcement vehicle regularly used to make motor vehicle stops. The statutes also require that each motor vehicle stop made by officers that is capable of being recorded actually be recorded by using the equipment. The statute also requires the agency to retain all audio/video documentation for each stop for at least 90 days after the date of the motor vehicle stop.

The Amarillo Police Department reports racial profiling data under "Tier 1" Partial

Exemption. The Amarillo Police Department has complied with requirements of CCP 2.135(a) that requires all cars regularly used for motor vehicle stops be equipped with video cameras and transmitter-activated equipment and each motor vehicle stop is recorded and the recording is retained for a minimum of 90 days after the stop.

One of the more difficult tasks is analyzing the racial profiling data once it has been collected. What baseline should be used as a benchmark to compare with the data that is collected?

Considerable research has been done on this topic and the best answer is there is no method of comparison without disparities. The Amarillo Police Department is currently using information from the US Census Bureau Survey (ACS Demographic and Housing as of July 1, 2016) as comparative data. This is somewhat problematic with current research suggesting that a percentage of the minority population chooses not to report to the US Census Bureau possibly making the minority population considerably higher than is recorded.

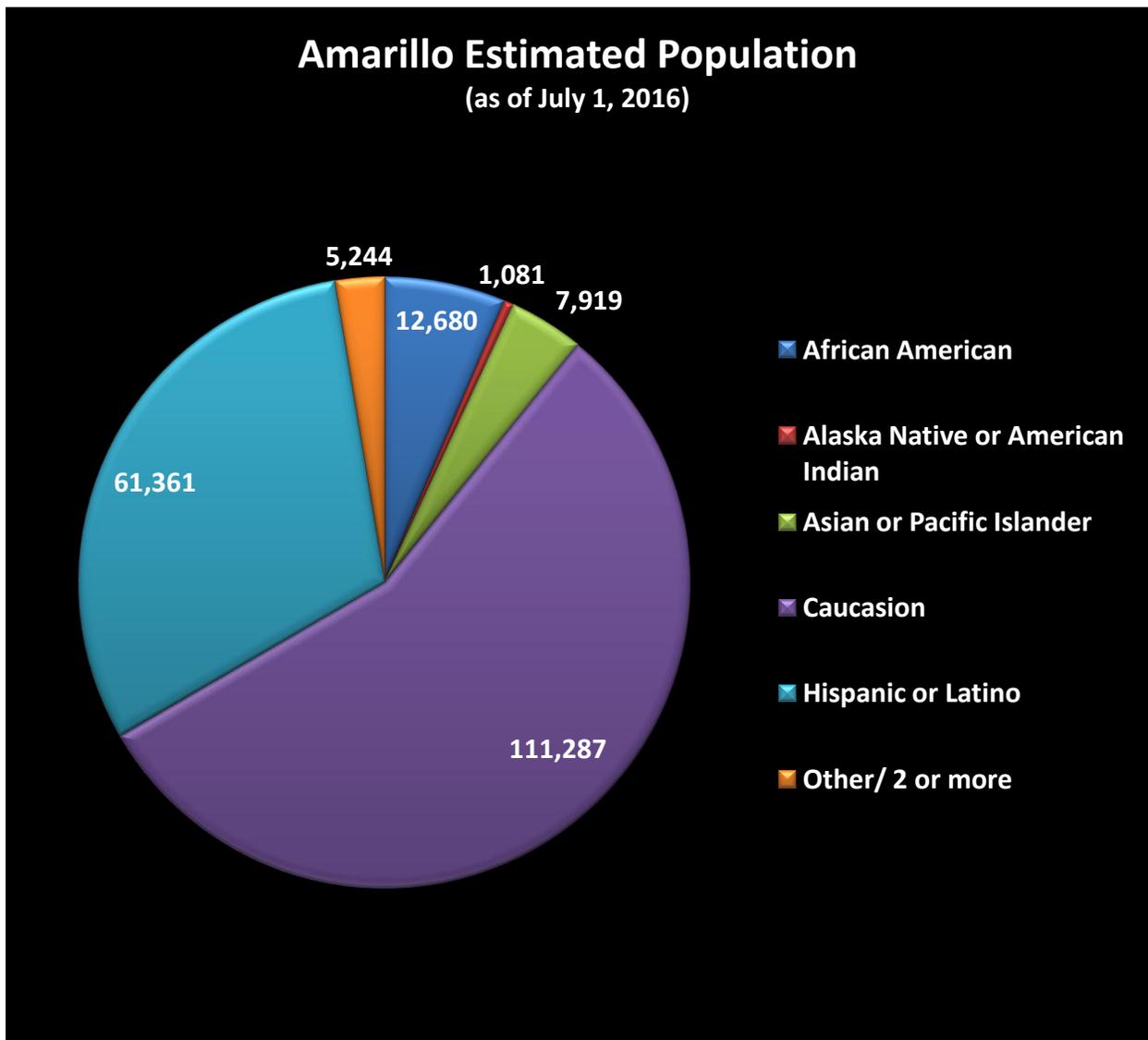
While some believe it is relatively simple to identify racial demographics of a state or of a particular city it is almost impossible to determine the actual demographics of the “driving population” at any given time. Amarillo is the largest city in the northern part of the Texas panhandle and attracts visitors from the surrounding area. These visitors shop in our malls, visit our medical center, attend classes at any one of our educational facilities or they may just be on their way to Amarillo’s Rick Husband International Airport. Amarillo is also fortunate to have not one, but two Interstate highways coming through the heart of town. There are a large number of people on our streets and highways that are part of our “driving population” but have no other connection to Amarillo. It is important to keep in mind that the racial profiling data is collected from the “driving population” but compared to the demographics of the resident population.

These are just a few disparities that deserve consideration when analyzing racial profiling data. No single database can determine whether Racial Profiling exists or to what extent. However stop data does provide critical information to assess organizational behavior. We understand this method of data collection may not always be perfect but it is better than no data at all. It provides us with a beginning reference point to be used in determining trends and to provide guidance as we strive to meet the needs and concerns of our community.

City of Amarillo estimated Demographics

The United States Census Bureau (ACS Demographic and Housing as of July 1, 2016) estimates the total population of Amarillo at 199,572. The population by race is listed as;

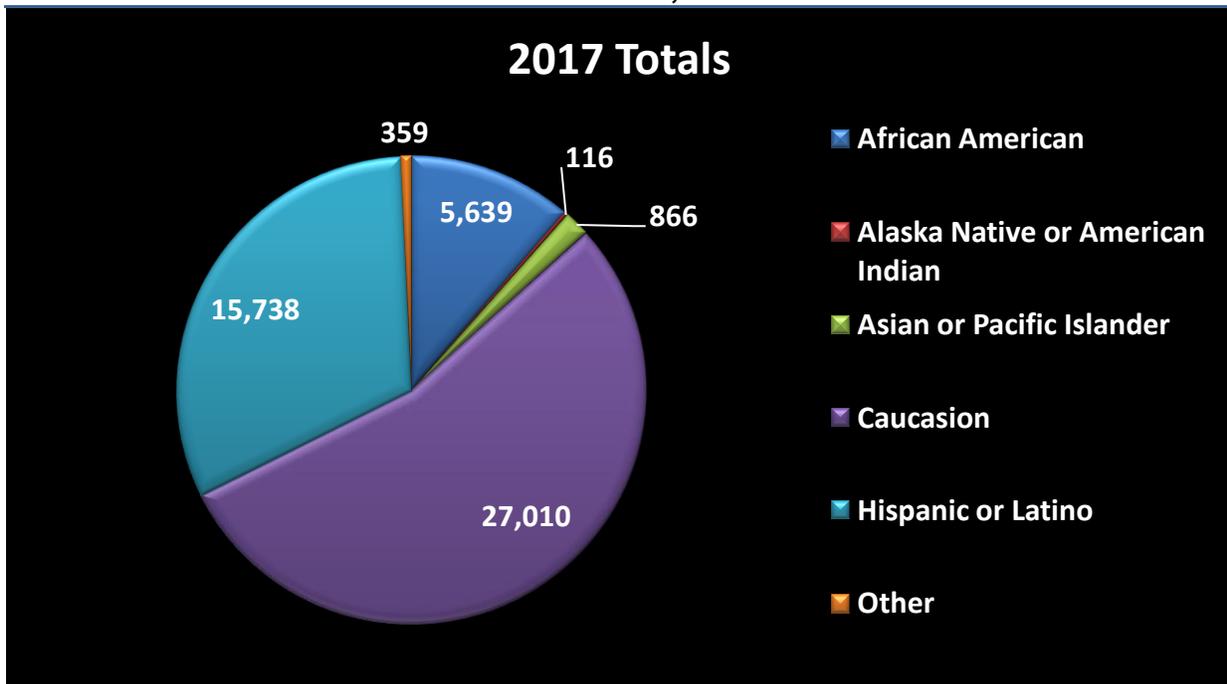
Race or Ethnicity	July 1, 2016 Population	Percent of Total Population
African American	12,680	6.35%
Alaska Native or American Indian	1,081	0.54%
Asian or Pacific Islander	7,919	3.97%
Caucasian	111,287	55.76%
Hispanic or Latino	61,361	30.75%
Other/ 2 or more	5,244	2.63%
Grand Total	199,572	100.00%



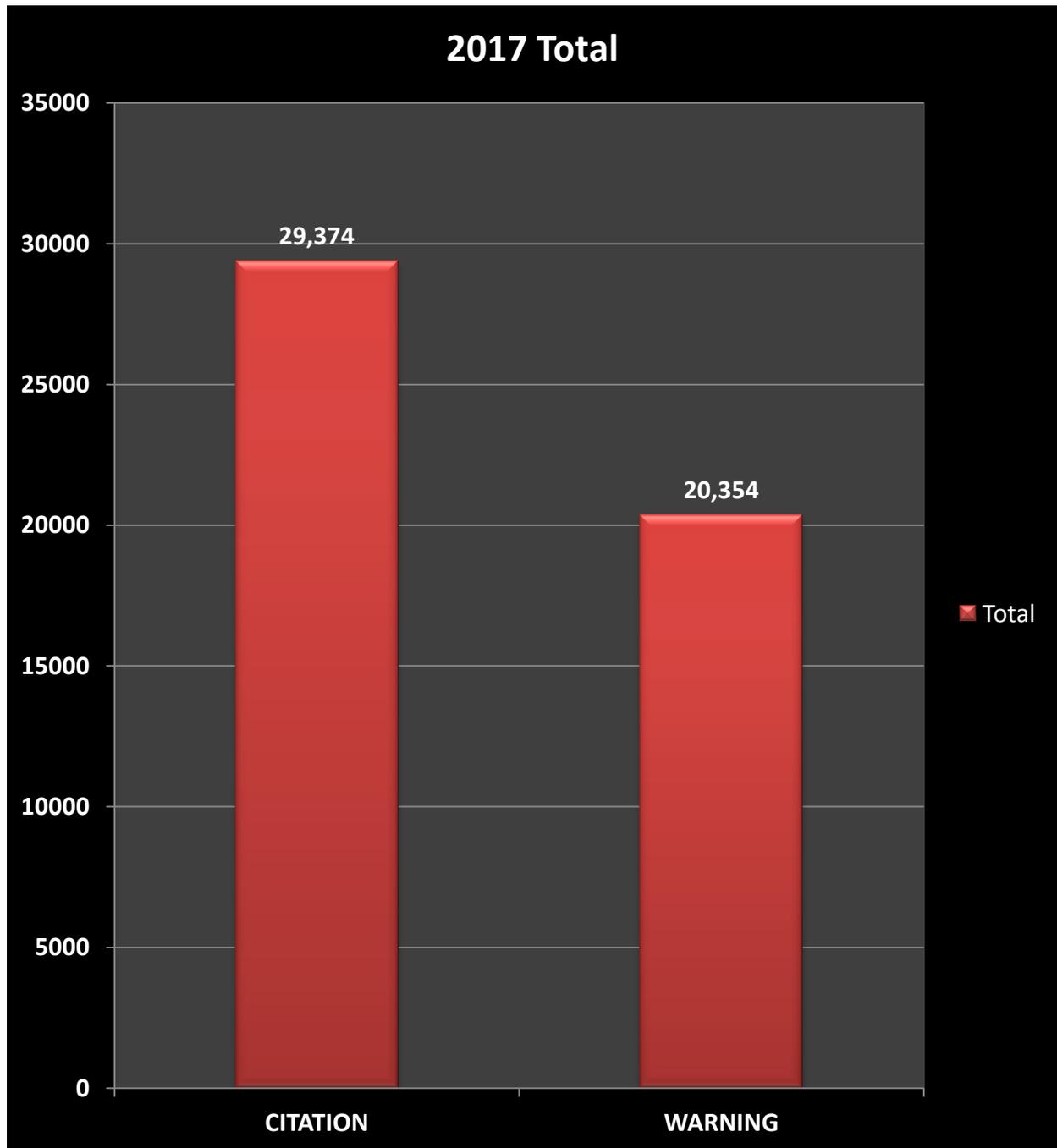
A significant issue that affects a comparison of data is the required reportable data reflects only those motor vehicle stops that resulted in a citation issuance or an arrest. Amarillo Police Officers have the discretion to issue warnings, and this data is included in this report; however, drivers stopped and not issued a citation, warning citation, or arrested are not included in this report. As a result, the data used is a subset of raw data used for the overall motor vehicle stops.

A traffic citation is a summons issued by a law enforcement officer to a person violating a traffic law. A traffic citation is commonly known as a traffic ticket. A warning citation has no consequences. During the issuance of these citations, racial profiling information is collected and is shown below.

RACE OR ETHNICITY	2017	
	Number of Contacts	% of Total Contacts
African American	5,639	11.34%
Alaska Native or American Indian	116	0.23%
Asian or Pacific Islander	866	1.74%
Caucasian	27,010	54.32%
Hispanic or Latino	15,738	31.65%
Other	359	0.72%
Grand Total	49,728	100%

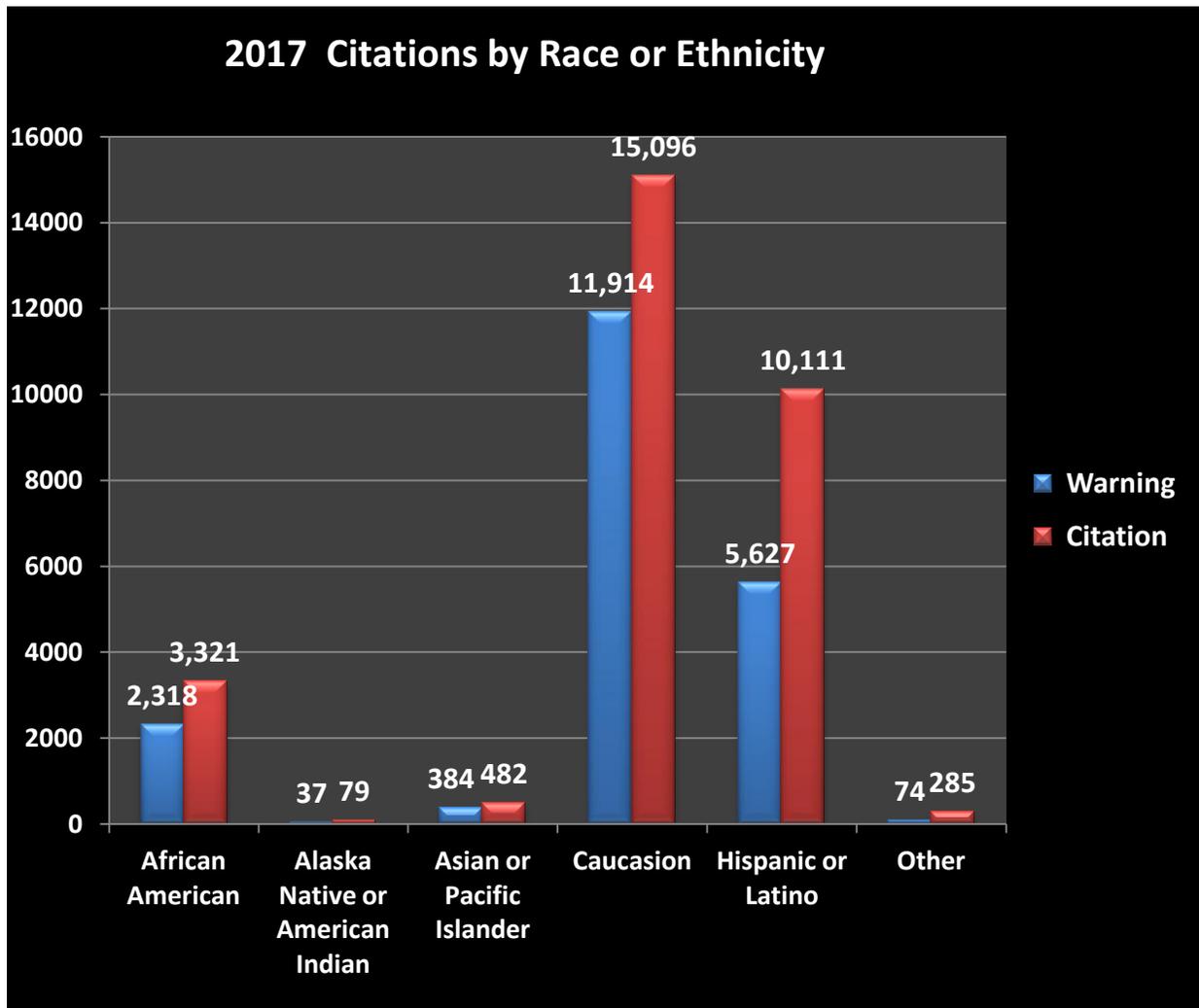


Traffic Contacts Result	49,728	Total	% of Total
CITATION		29,374	59.07%
WARNING		20,354	40.93%
Grand Total		49,728	



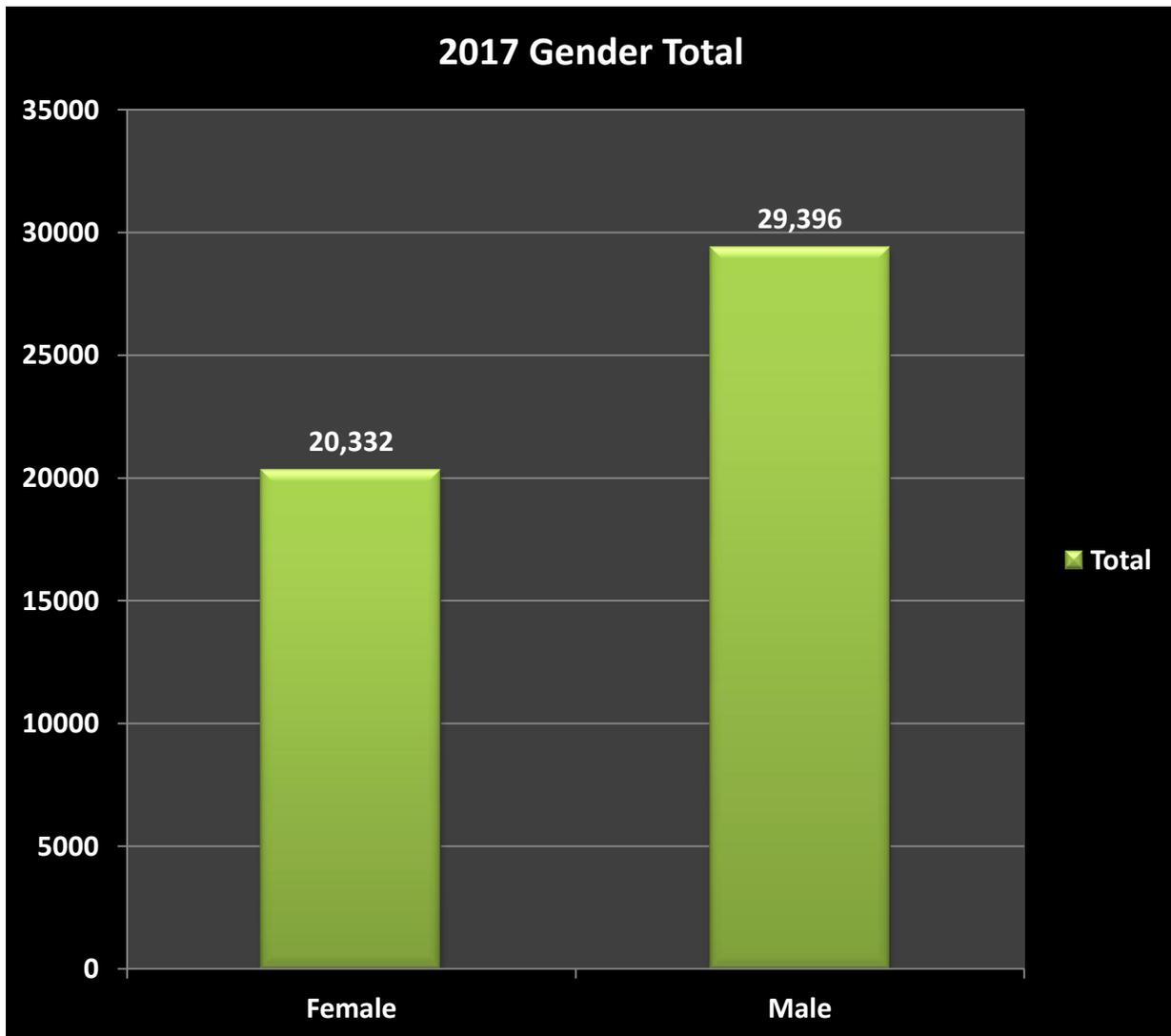
The results of these contacts are further divided into race or ethnicity, as defined by the State of Texas, and warning citations and citations.

2017 Citation				
Race or Ethnicity	Warning	% Of Warnings	Citation	% Of Citations
African American	2,318	11.39%	3,321	11.31%
Alaska Native or American Indian	37	.18%	79	.27%
Asian or Pacific Islander	384	1.89%	482	1.64%
Caucasian	11,914	58.53%	15,096	51.39%
Hispanic or Latino	5,627	27.65%	10,111	34.42%
Other	74	.36%	285	.97%
Grand Total	20,354		29,374	

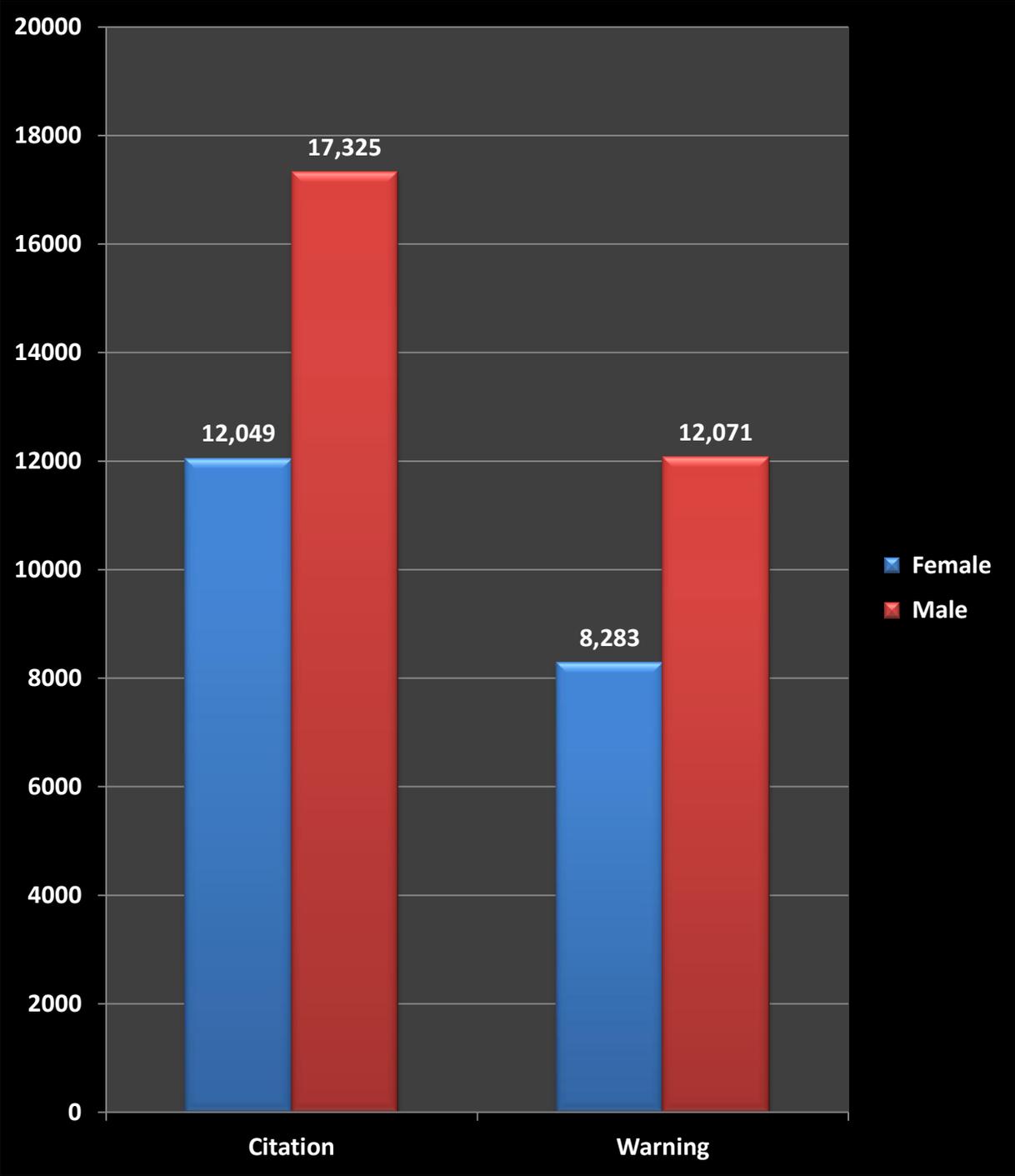


With the passage of legislation that went into effect September 1, 2017, agencies are now required to collect and report information concerning the gender of those affected by a motor vehicle traffic stop. Although this information is not required to be reported for the year of 2017, the Amarillo Police Department has included the information.

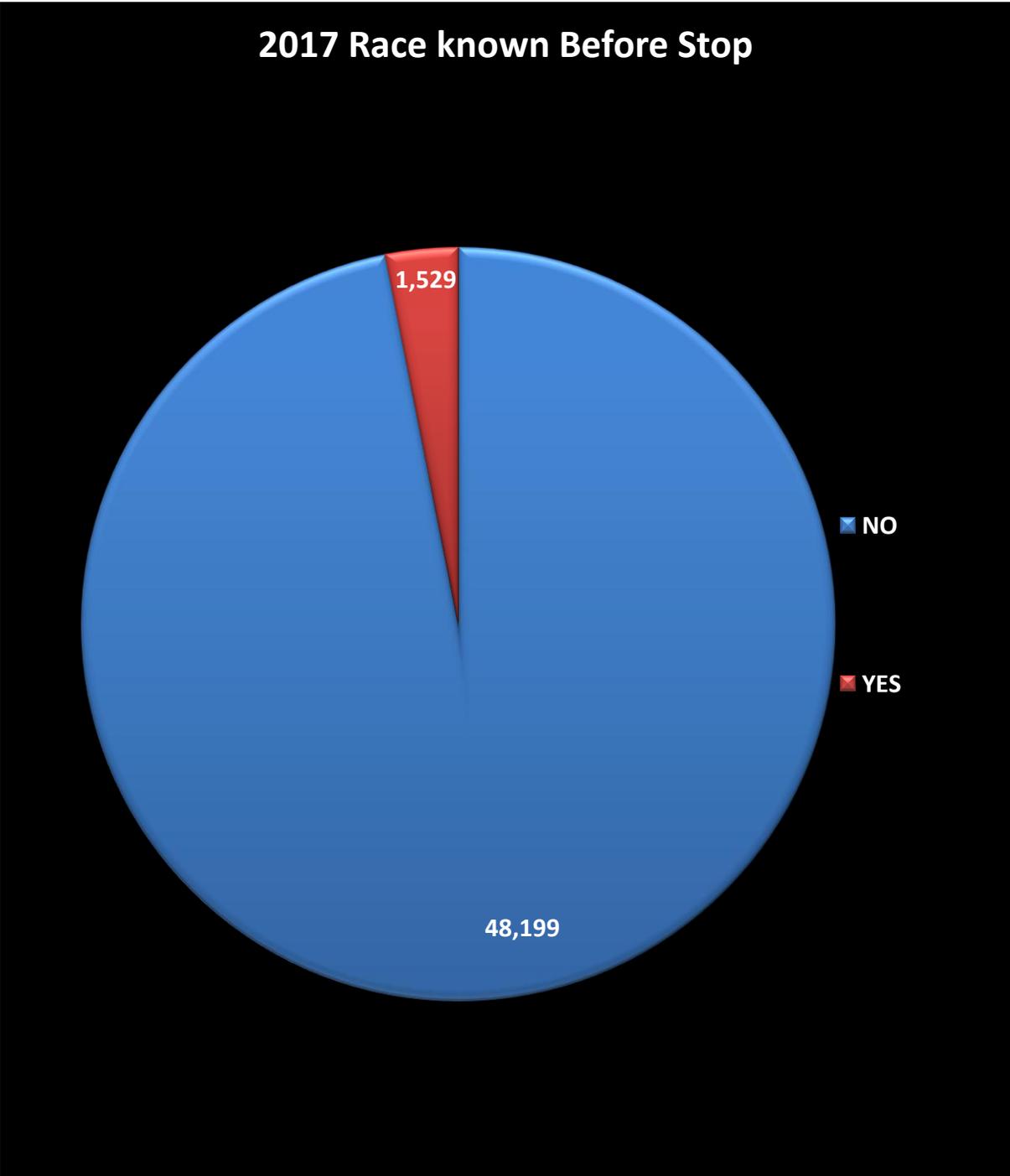
2017		
Gender	Total	% of Total
Female	20,332	40.89%
Male	29,396	59.11%
Grand Total	49,728	



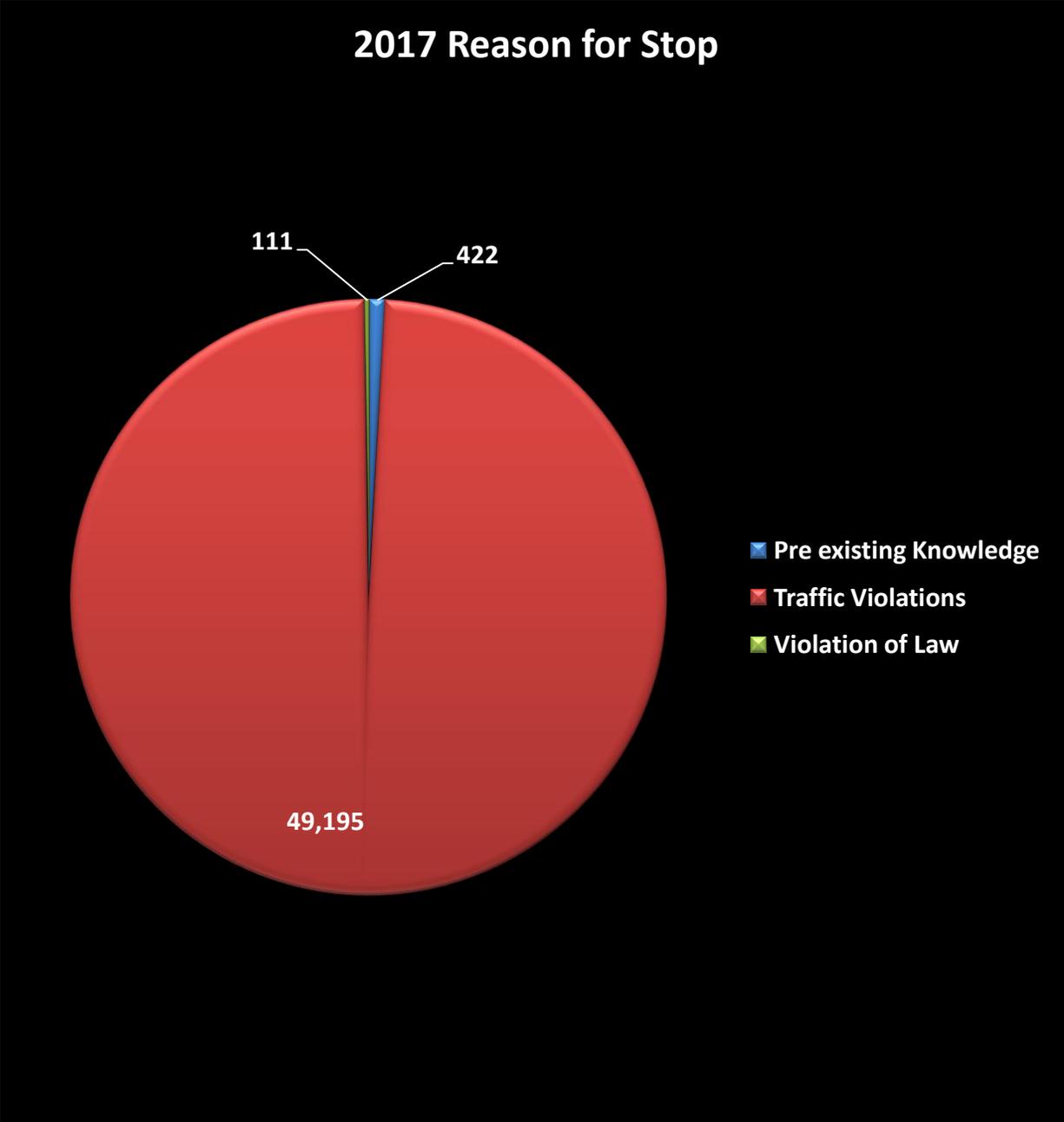
2017 Citation/Warning by Gender				
Result	Female	% of Total for female	Male	% of Total for male
Citation	12,049	59.26%	17,325	58.94%
Warning	8,283	40.74%	12,071	41.06%
Grand Total	20,332		29,396	



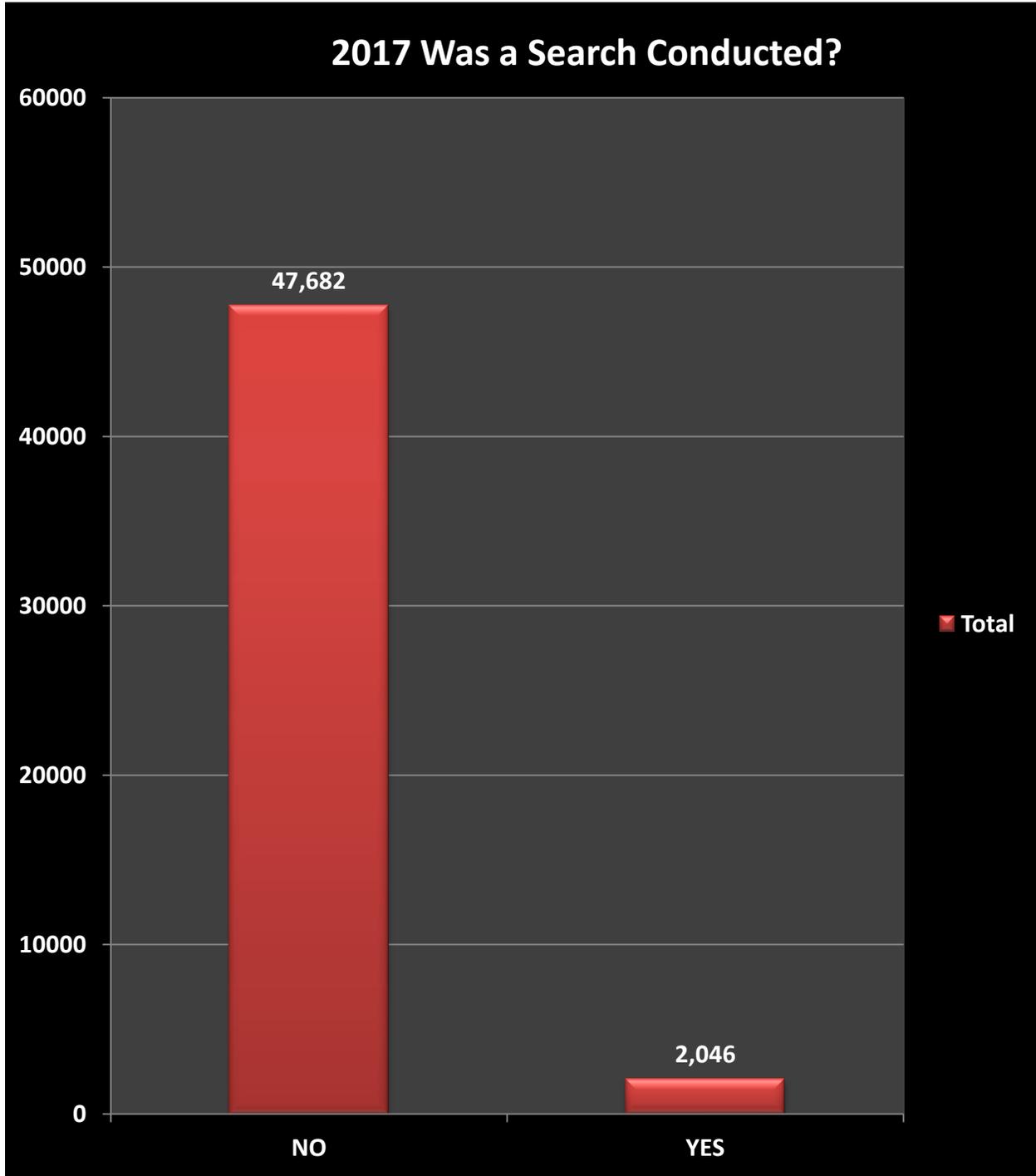
Was race or ethnicity known prior to stop?		
	Total	% of Total
NO	48,199	96.93%
YES	1,529	3.07%
Grand Total	49,728	



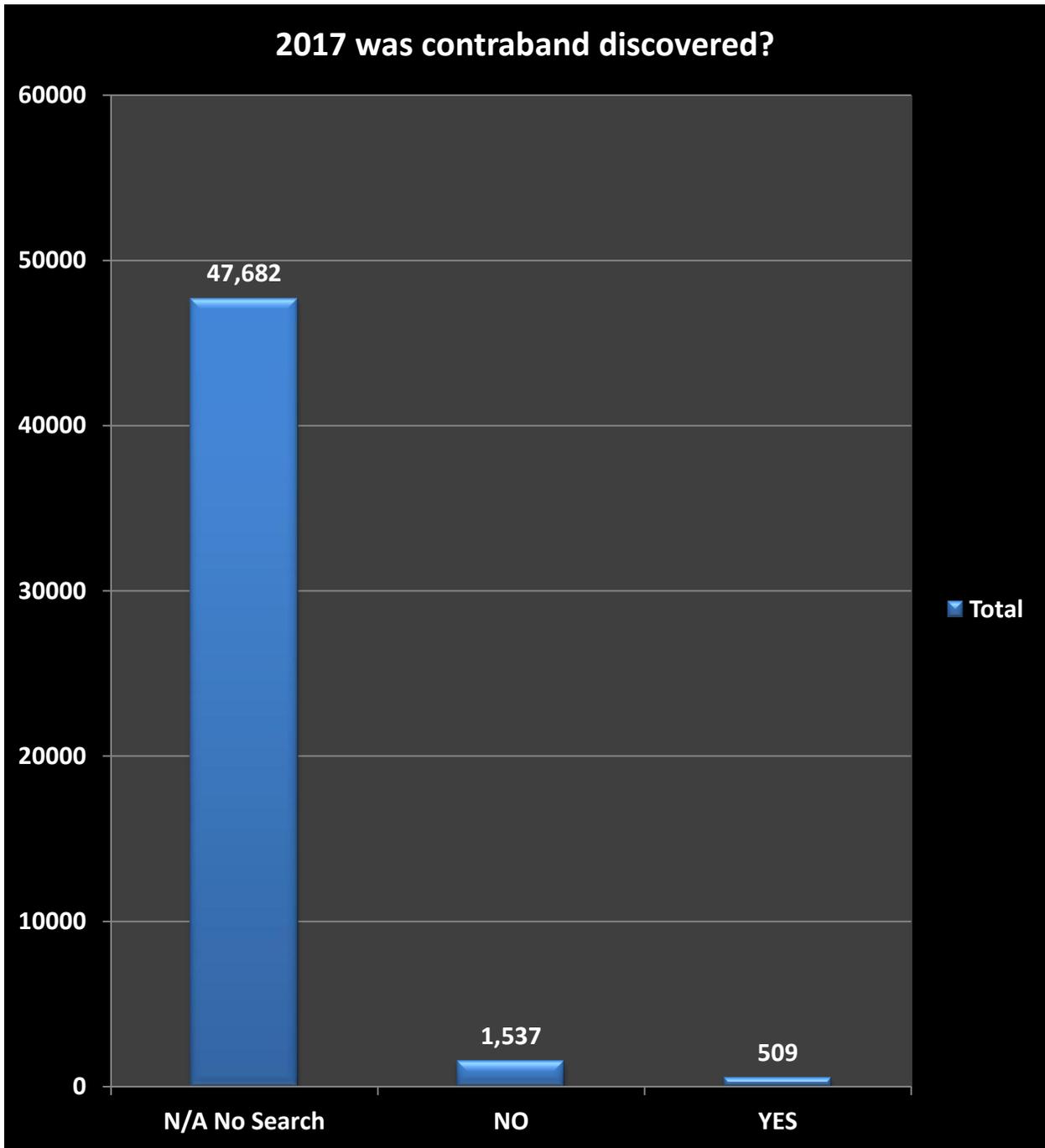
2017		
STOP REASON	TOTAL	% of Stop
Pre existing Knowledge	422	0.85%
Traffic Violations	49,195	98.93%
Violation of Law	111	0.22%



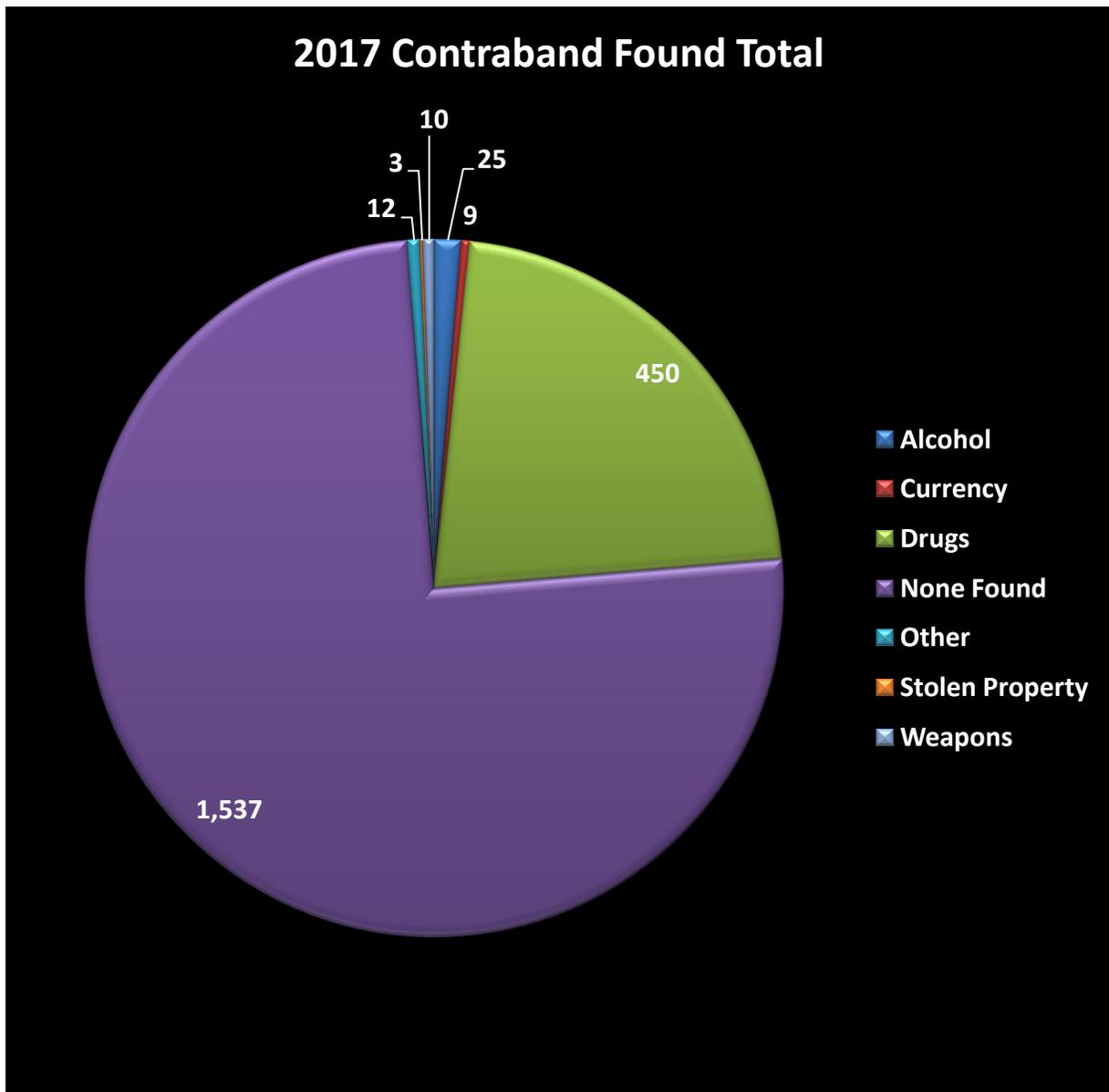
Was a Search Conducted?	Total	% of Total
NO	47,682	95.89%
YES	2,046	4.11%
Grand Total	49,728	



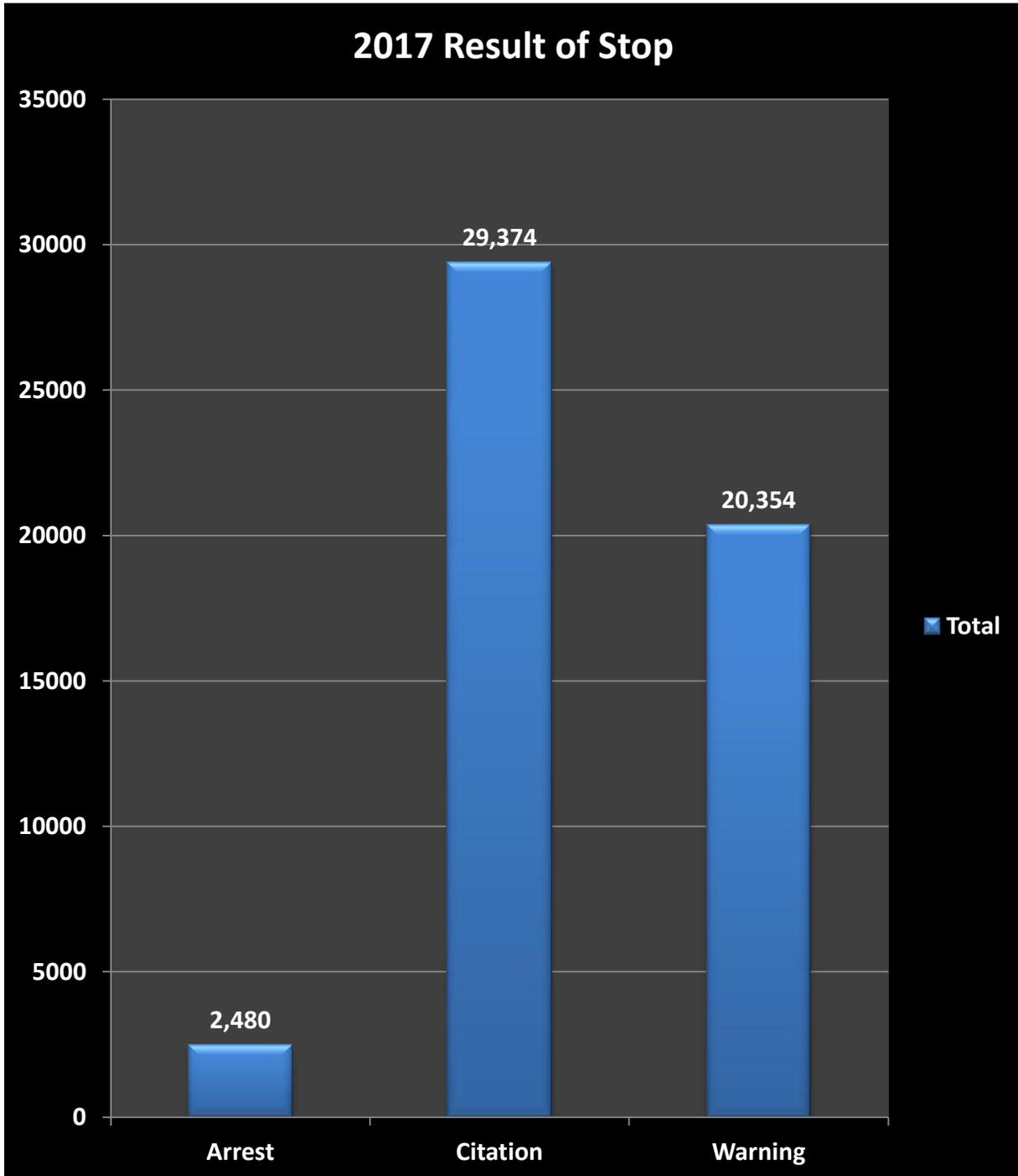
Was Contraband Discovered?	Total	% of Total
No Search	47,682	95.89%
NO	1,537	3.09%
YES	509	1.02%
Grand Total	49,728	



2017 Description of Contraband			
	Total	% of Found (509)	% of Total Search
Alcohol	25	4.91%	1.22%
Currency	9	1.77%	.44%
Drugs	450	88.41%	21.99%
None Found	1,537		75.12%
Other	12	2.36%	.59%
Stolen Property	3	.59%	.15%
Weapons	10	1.96%	.49%
Grand Total	2,046		

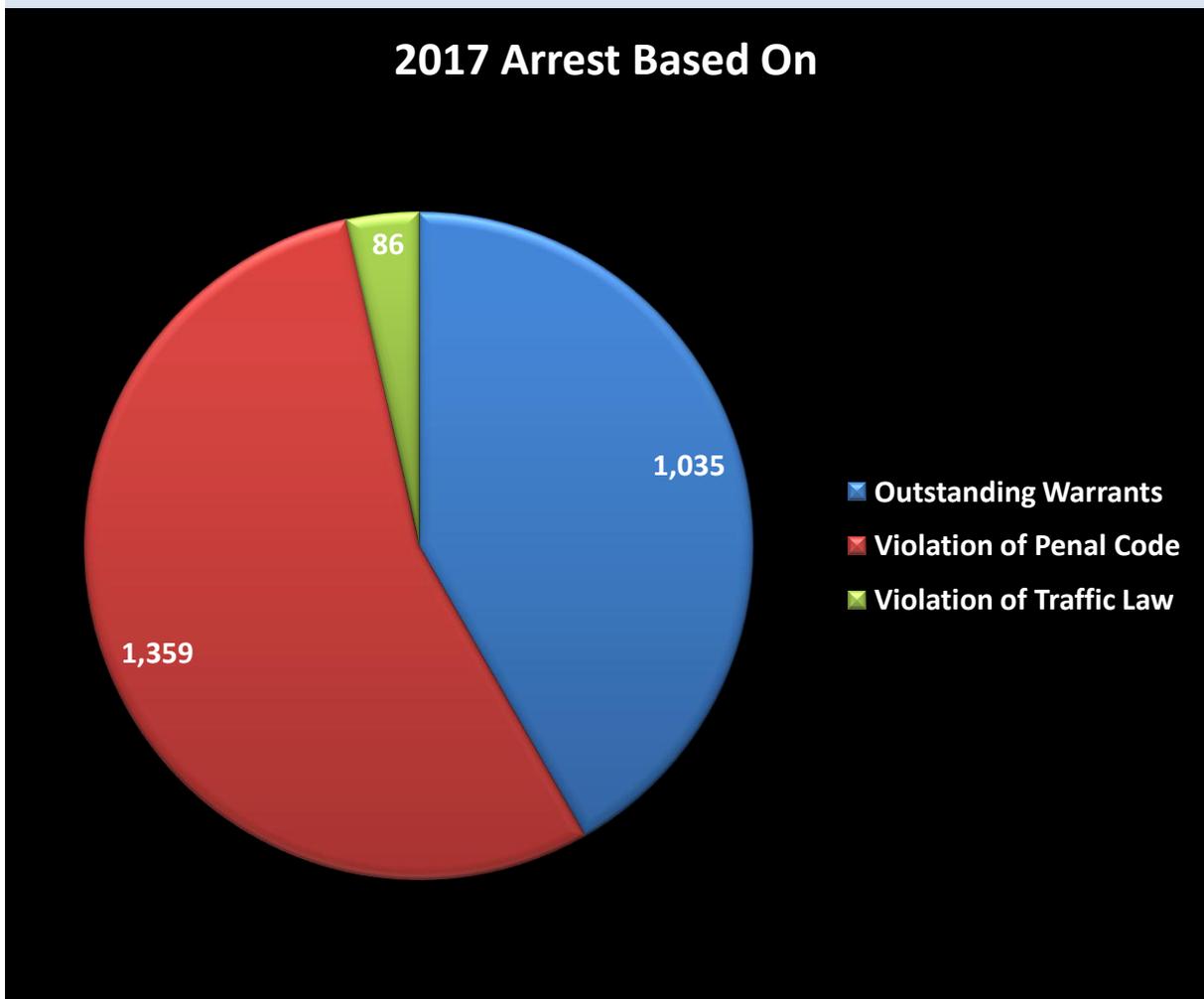


Result of Stop	Total	% of Total Stop
Arrest	2,480	4.99%
Citation	29,374	59.07%
Warning	20,354	40.93%

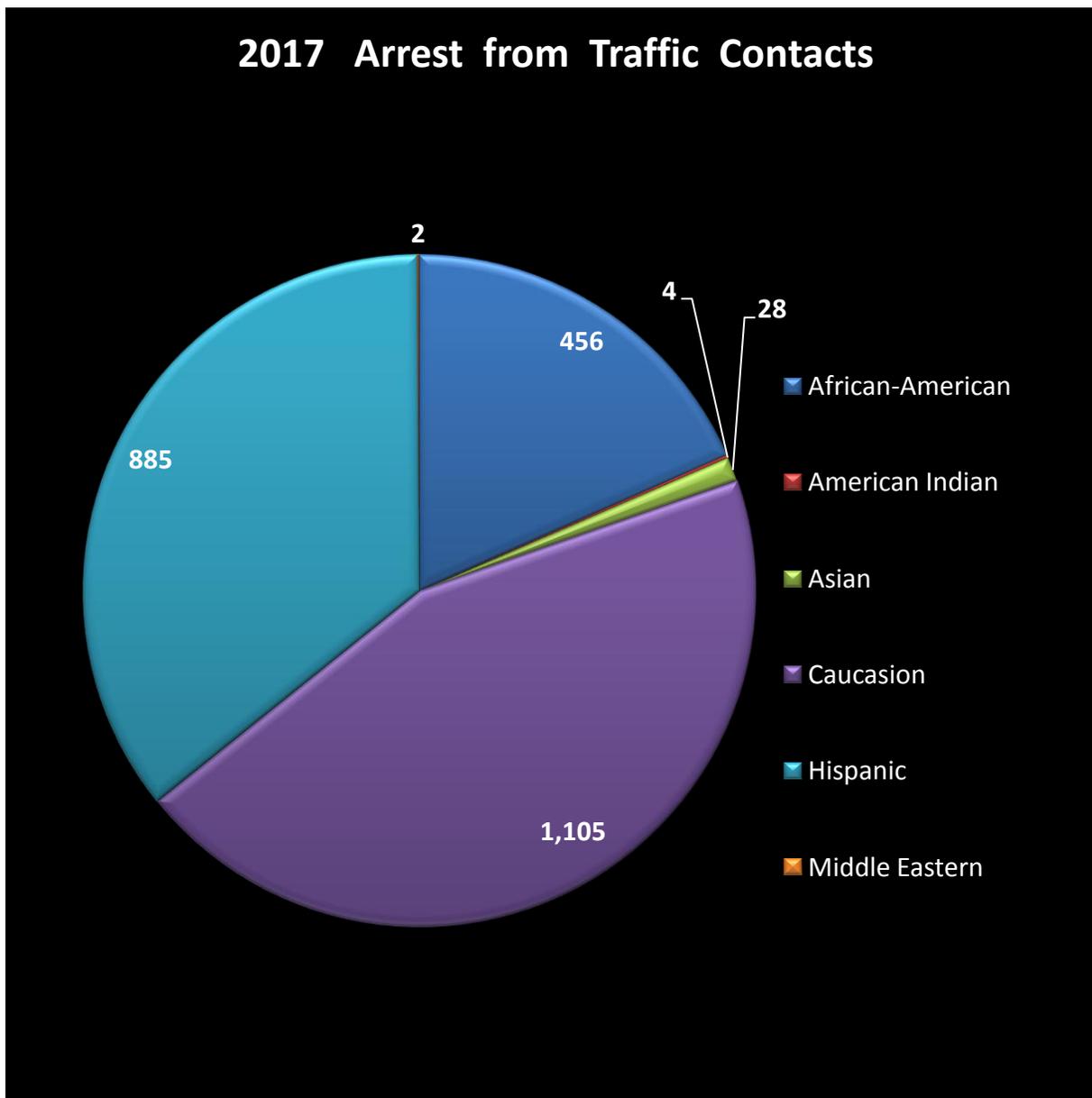


During the course completing a traffic stop officers will check the driving and wanted status of the driver and at times, for various reasons, the driving and wanted status of passengers. As result of this check the driver and or passenger maybe found to be wanted or present an on-view violation of the law. When the occupant(s) are found to be wanted for warrants, the officer is compelled to arrest the wanted individual. When the occupant(s) are presenting an on-view offense, the officer may arrest. Below are the statistics for **ALL** arrests resulting from a traffic stop, both driver and passenger.

Arrest Based On	Number	% of Total Arrest
Outstanding Warrants	1,035	41.73%
Violation of Penal Code	1,359	54.8%
Violation of Traffic Law	86	3.47%
Grand Total	2,480	



2017 Arrest from Traffic Contacts		
Race or Ethnicity	Total	% of Total arrest
African-American	456	18.39%
American Indian	4	0.16%
Asian	28	1.13%
Caucasian	1,105	44.56%
Hispanic	885	35.69%
Middle Eastern	2	0
Grand Total	2,480	100%

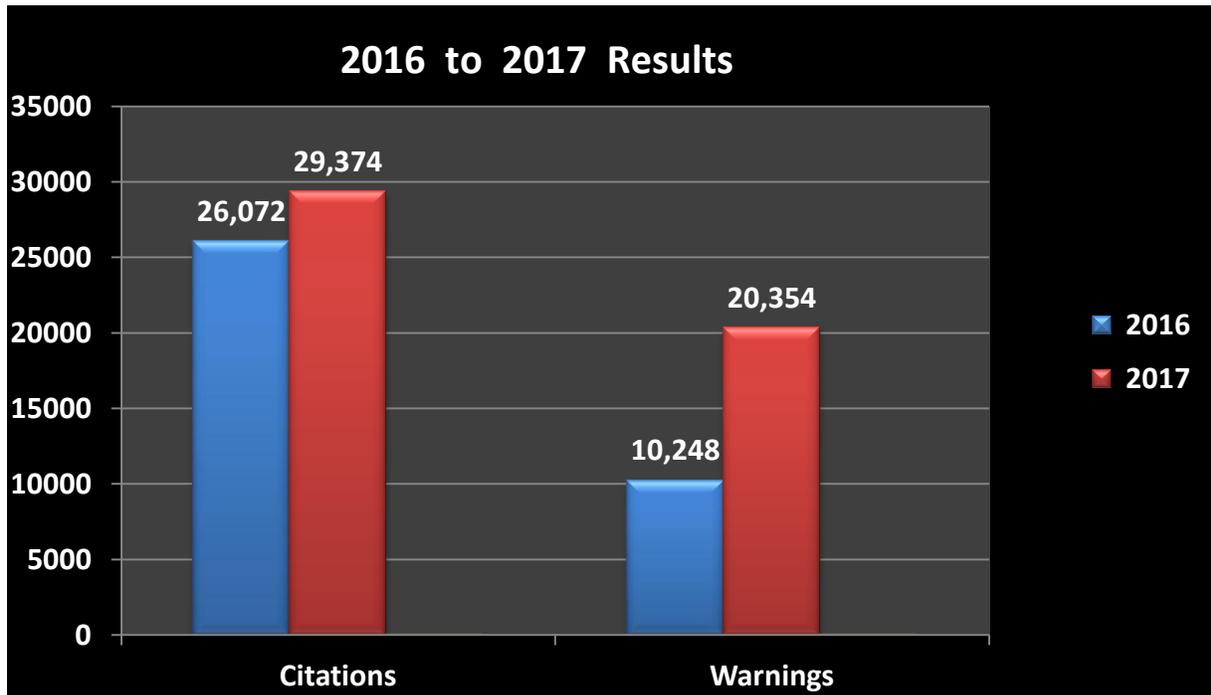


Although legislation was passed and went into effect September 1, 2017, the Amarillo Police Department is required only to report **Tier 1 data** for the year of 2017. The collection of the newly required information began January 1, 2018. Although the Amarillo Police Department was not required to do so, we have included some of the additional information into the report for 2017. For the year 2017 report, the department has provided more information in an effort to be more responsive to the community. To this end, we will be using the additional information from 2017 as opposed to what was reported pursuant to the minimum requirements for Tier 1 reporting for the comparisons.

2016 to 2017 Comparisons

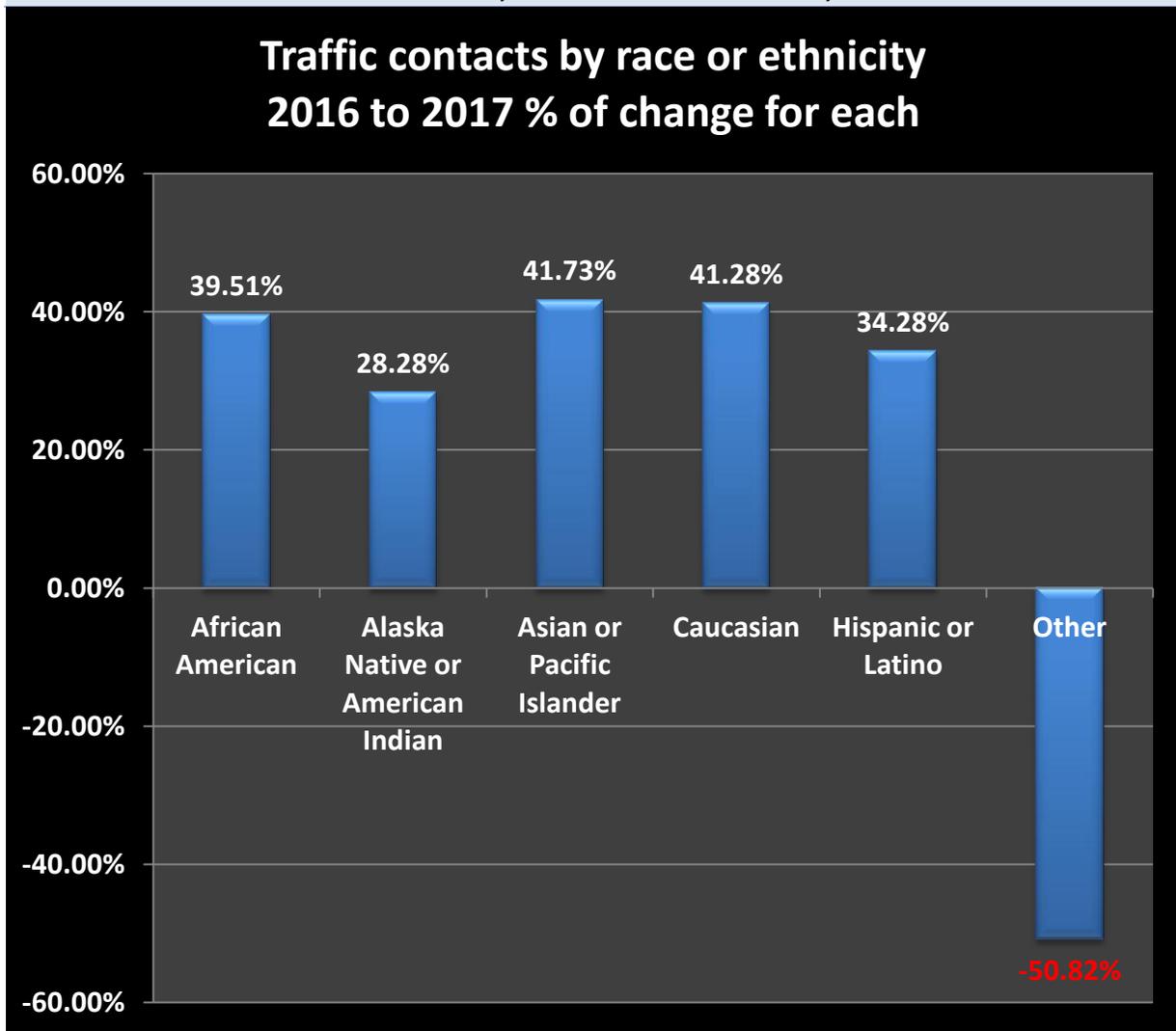
Traffic Contacts

Result	% of 2016		% of 2017		% of change for each category total
	2016	Total	2017	Total	
Citations	26,072	71.78%	29,374	59.07%	12.66%
Warnings	10,248	28.22%	20,354	40.93%	98.61%
Total	36,320		49,728		36.92%



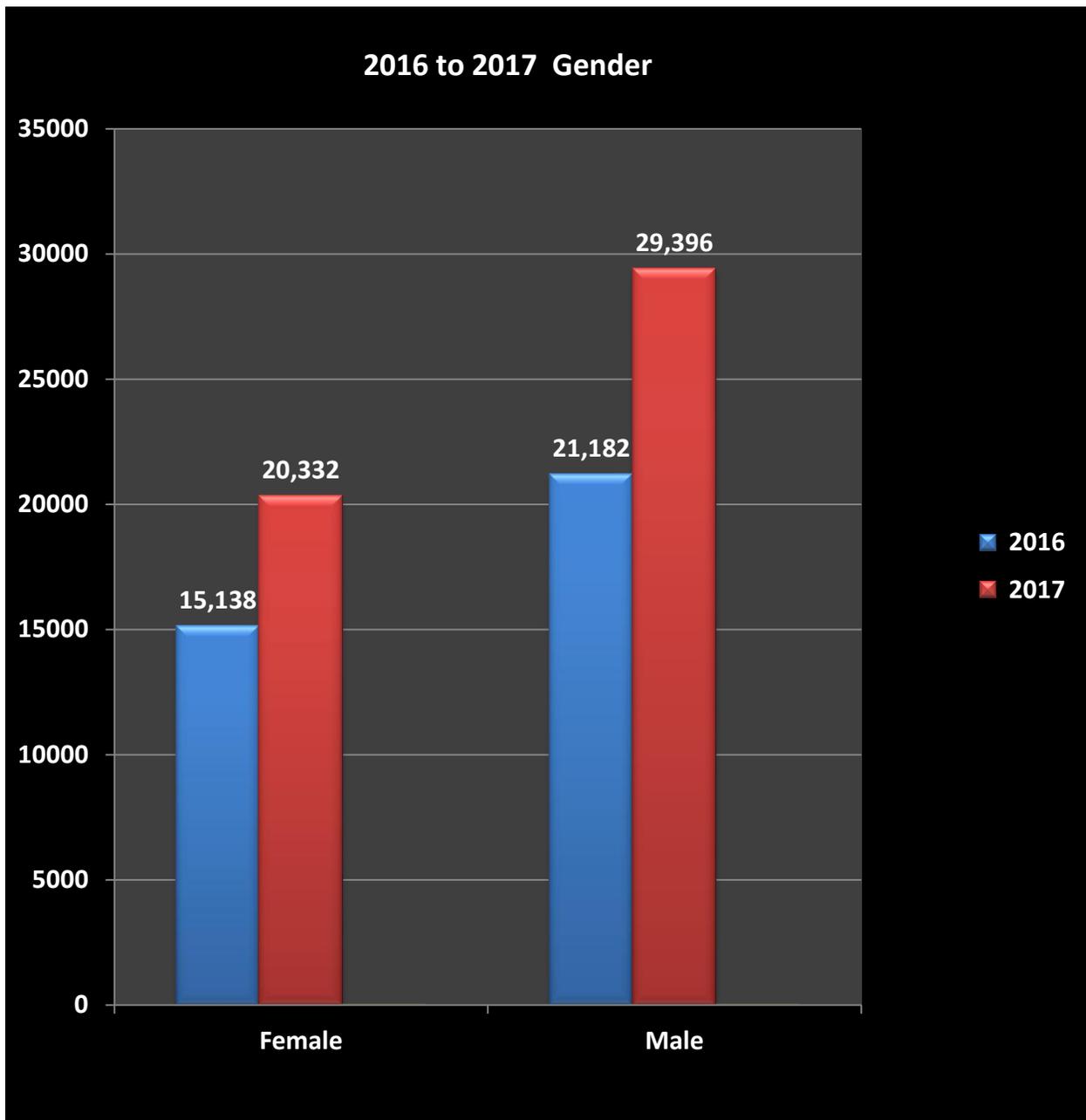
Traffic contacts by race or ethnicity

Race or Ethnicity	2016	% of 2016 Total	2017	% of 2017 Total	% of change 2016 to 2017
African American	4,042	11.13%	5,639	11.34%	39.51%
Alaska Native or American Indian	99	.27%	116	.23%	28.28%
Asian or Pacific Islander	611	1.68%	866	1.74%	41.73%
Caucasian	19,118	52.64%	27,010	54.31%	41.28%
Hispanic or Latino	11,720	32.27%	15,738	31.65%	34.28%
Other	730	2.01%	359	.73%	-50.82%
Grand Total	36,320		49,728		



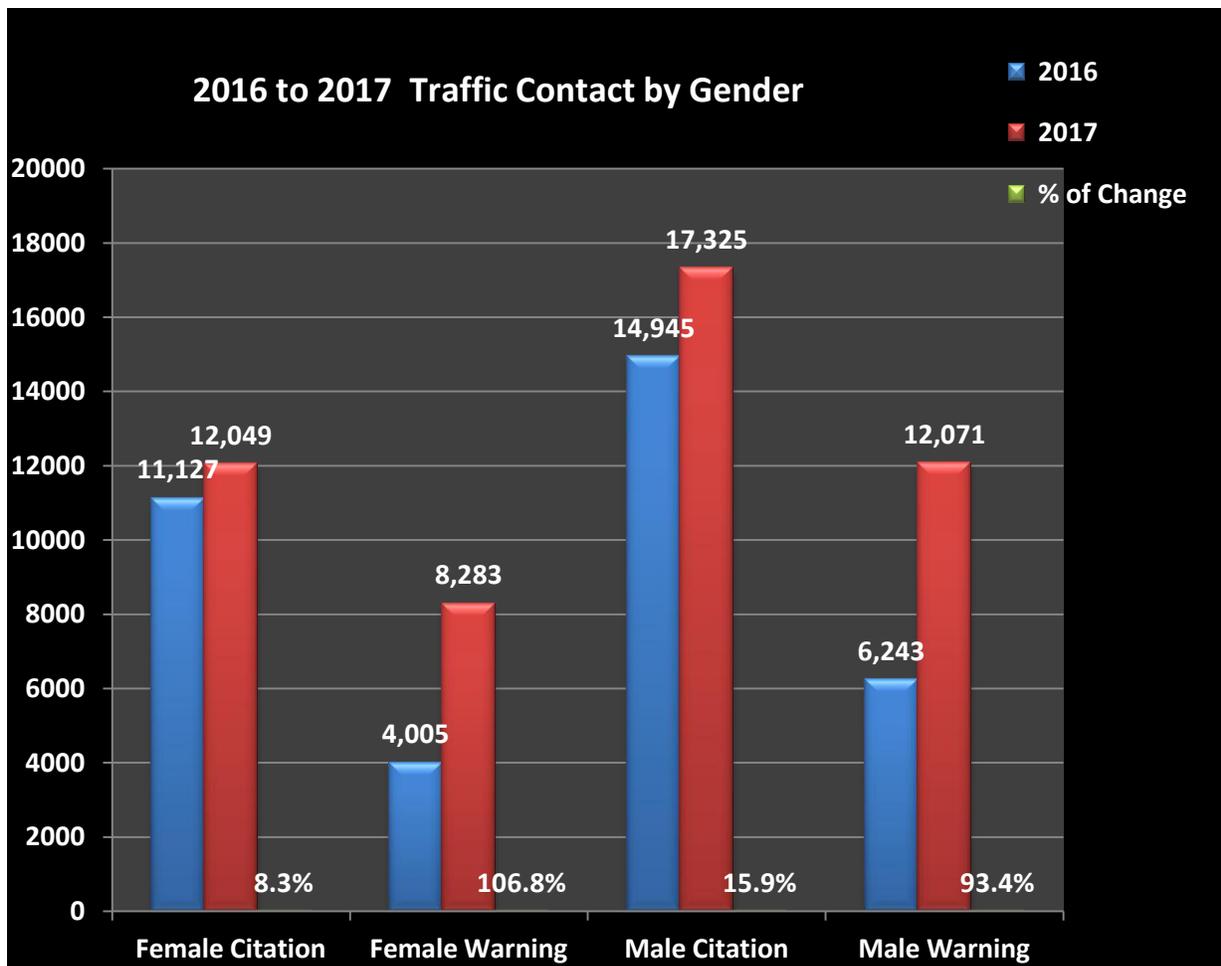
Gender Comparisons (new)

Gender	2016	% of 2016 Total	2017	% of 2017 Total	% of overall change 2016 to 2017
Female	15,138	41.68%	20,332	40.89%	34.31%
Male	21,182	58.32%	29,396	59.11%	38.78%



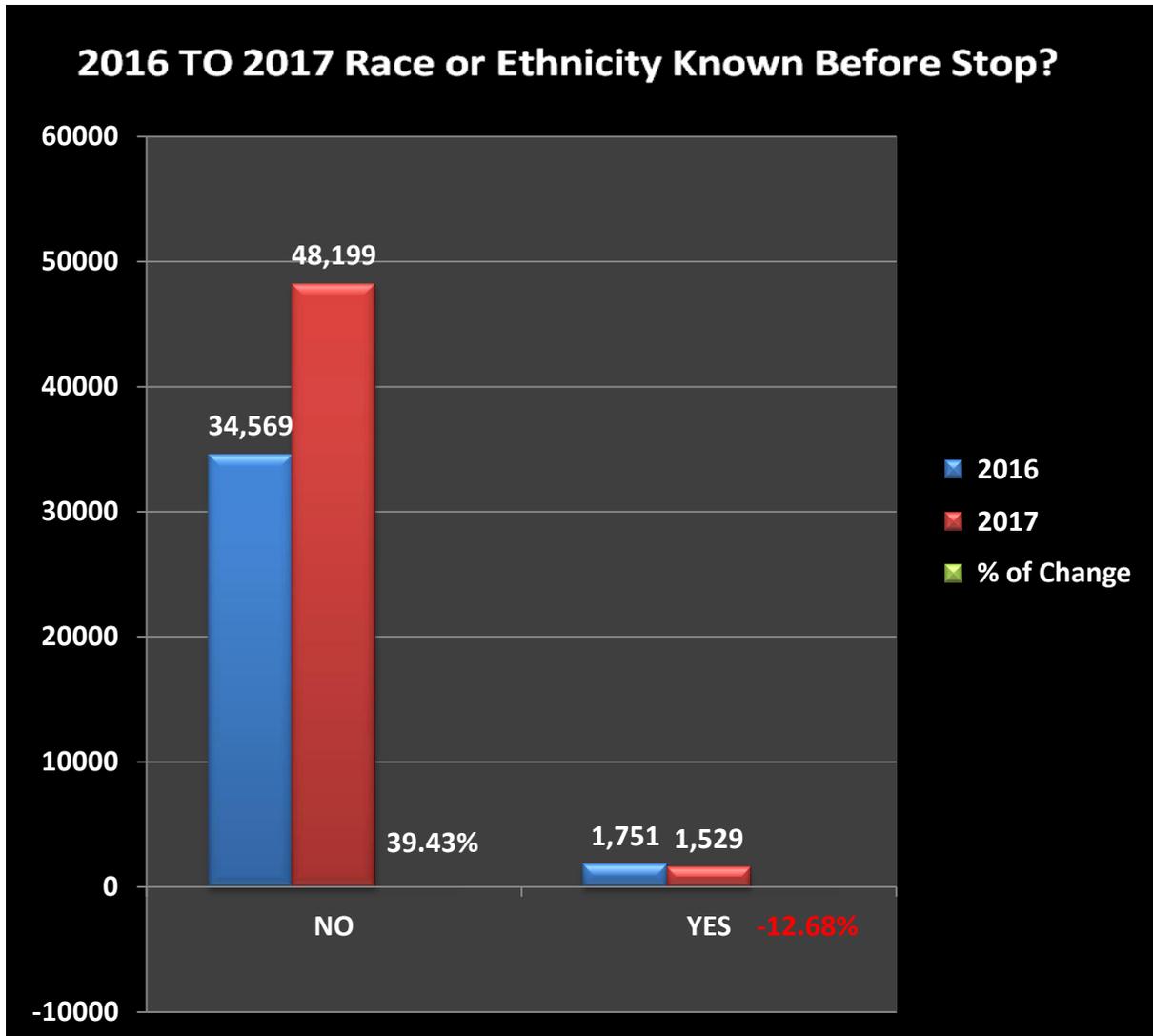
Citation by Gender

Gender	2016	% of 2016 Total	2017	% of 2017 Total	% of change 2016 to 2017
Female Citation	11,127	30.64%	12,049	24.23%	8.3%
Female Warning	4,005	11.03%	8,283	16.66%	106.8%
Male Citation	14,945	41.15%	17,325	34.84%	15.9%
Male Warning	6,243	17.19%	12,071	24.27%	93.4%
Grand Total	36,320		49,728		



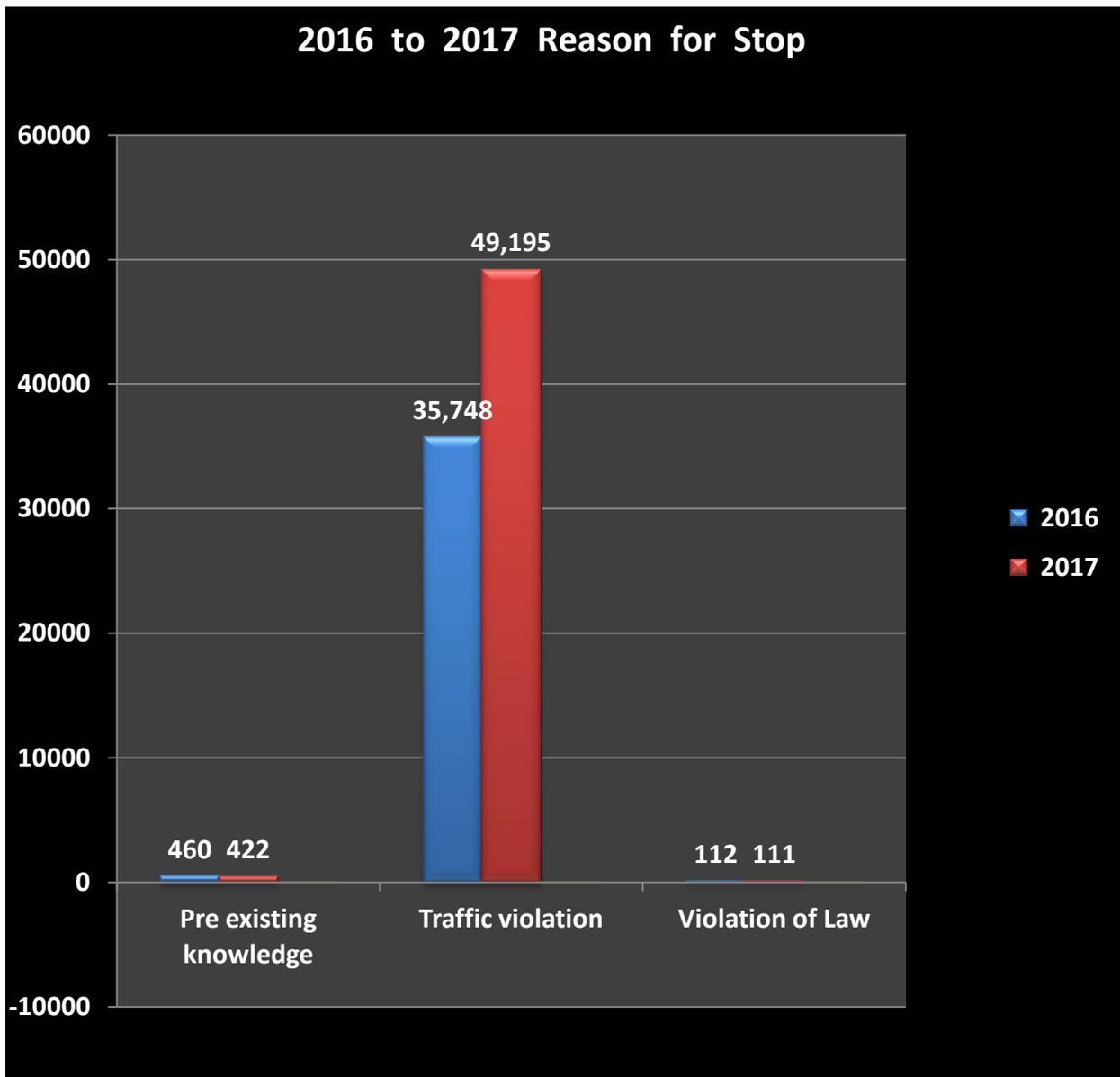
Race Known Before Stop?

RKBS?	2016	% of 2016 Total	2017	% of 2017 Total	% of change 2016 to 2017
NO	34,569	95.18%	48,199	96.93%	39.43%
YES	1,751	4.82%	1,529	3.07%	-12.68%



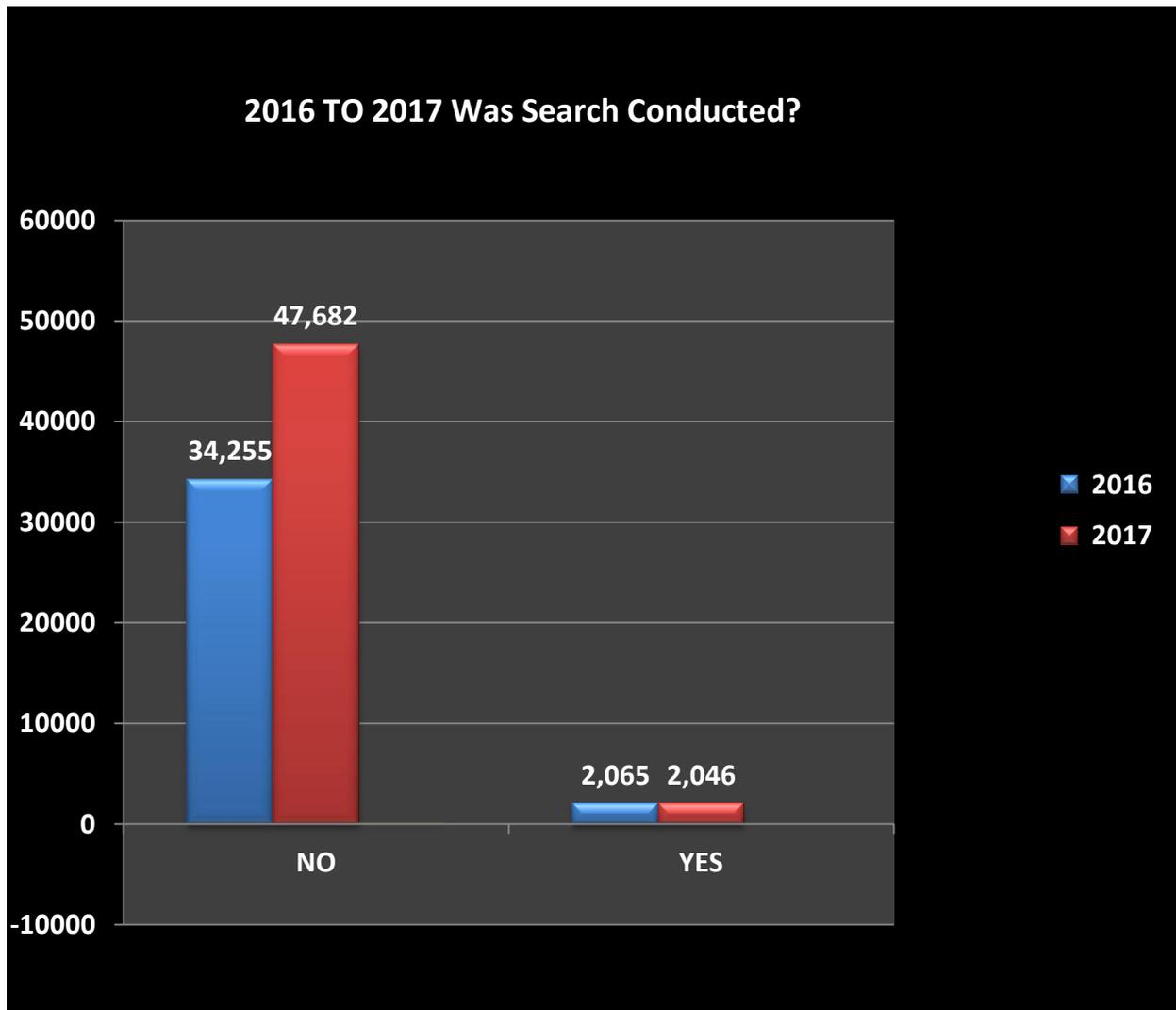
Reason for Stop

Reason for Stop	2016	% of 2016 Total	2017	% of 2017 Total	% of change 2016 to 2017
Pre existing knowledge	460	1.27%	422	.85%	-8.26%
Traffic violation	35,748	98.43%	49,195	98.93%	37.62%
Violation of Law	112	.3%	111	.22%	-0.89%



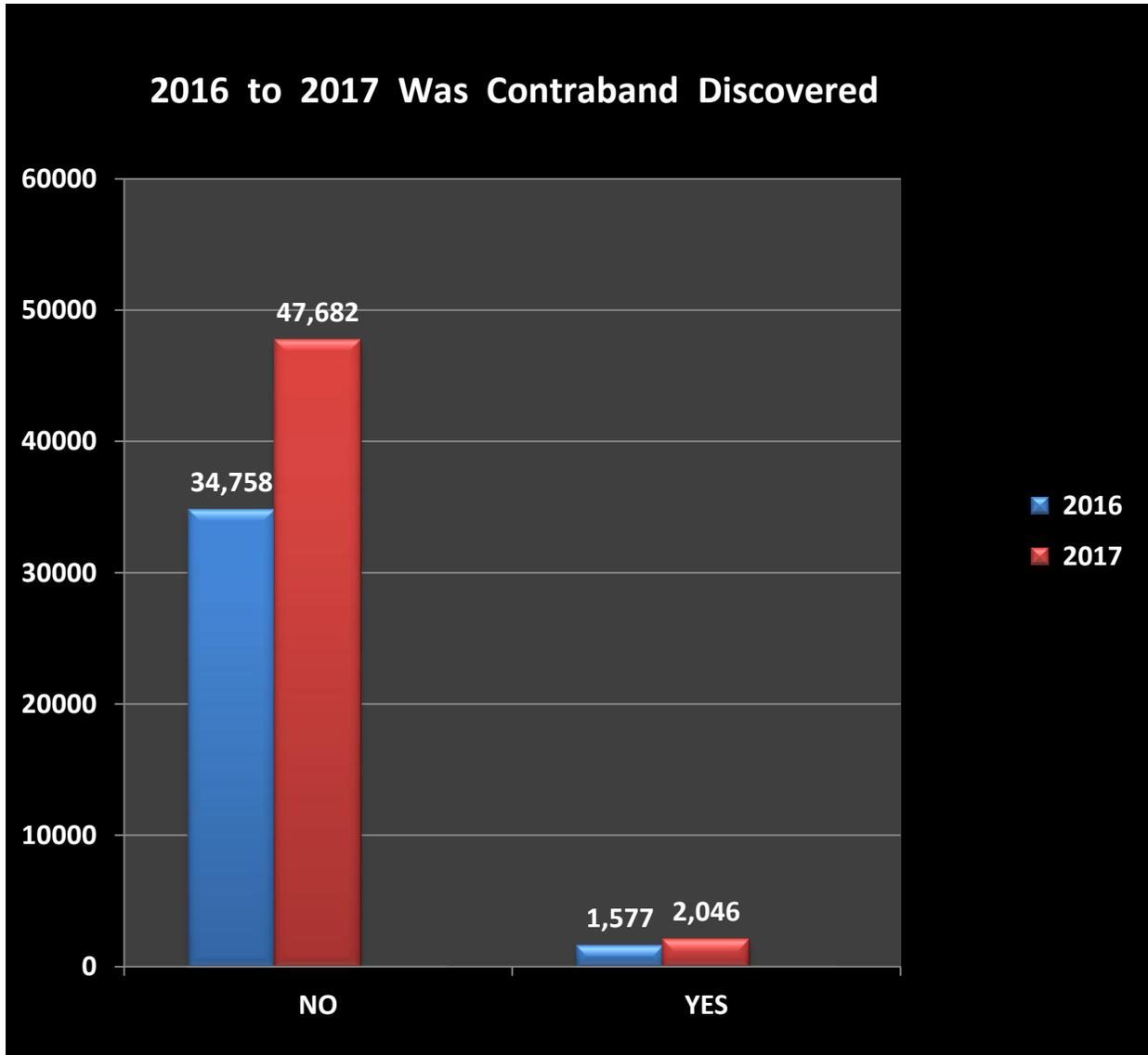
Was a Search Conducted?

	2016	% of 2016 Total	2017	% of 2017 Total	% of change 2016 to 2017
NO	34,255	94.31%	47,682	95.89%	38.06%
YES	2,065	5.69%	2,046	4.11%	-.92%
Grand Total	36,320		49,728		



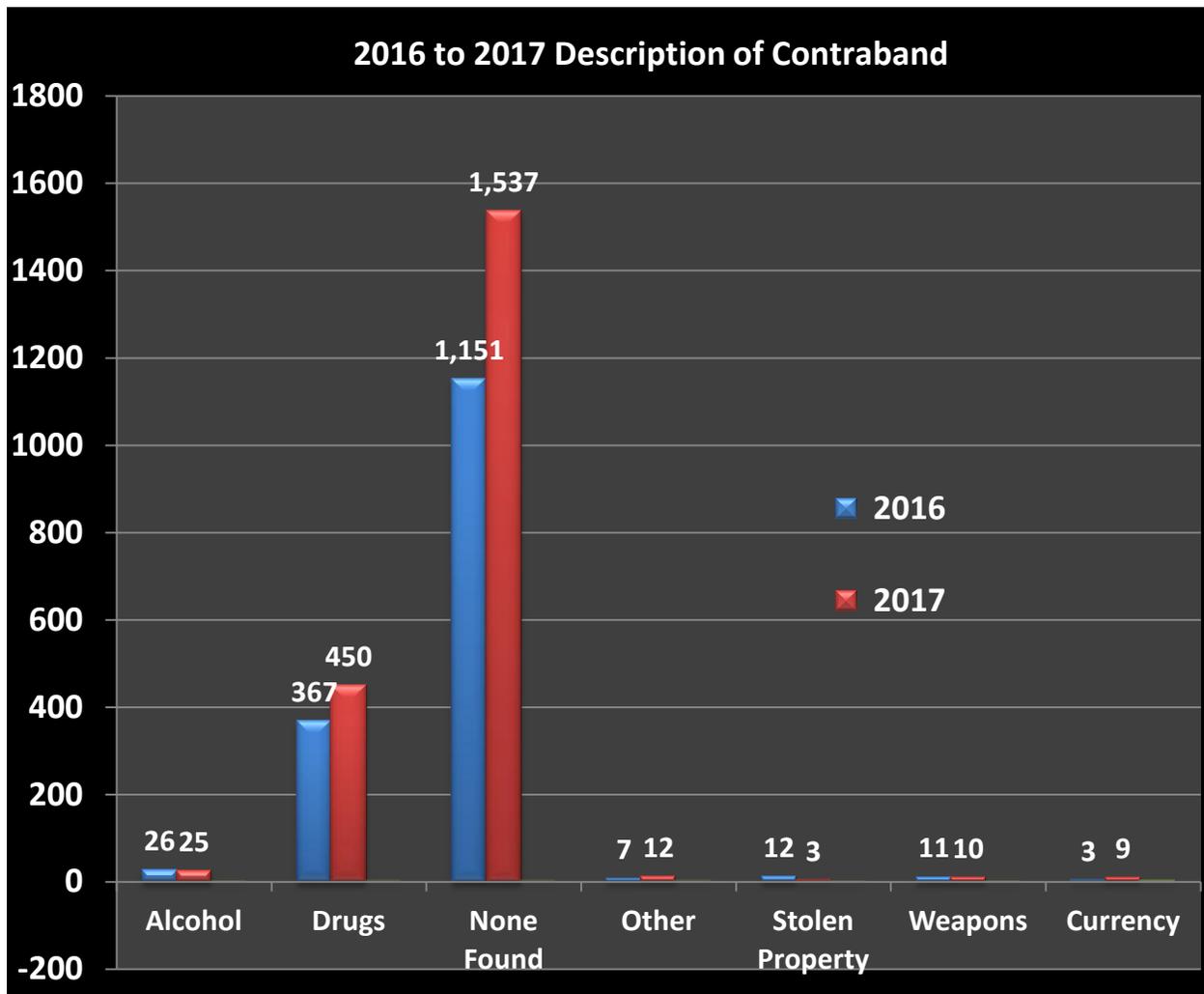
Was Contraband Discovered?

	2016	% of 2016 Total	2017	% of 2017 Total	% of change 2016 to 2017
NO	34,758	95.69%	47,682	95.89%	37.18%
YES	1,577	4.31%	2,046	4.11%	29.74%



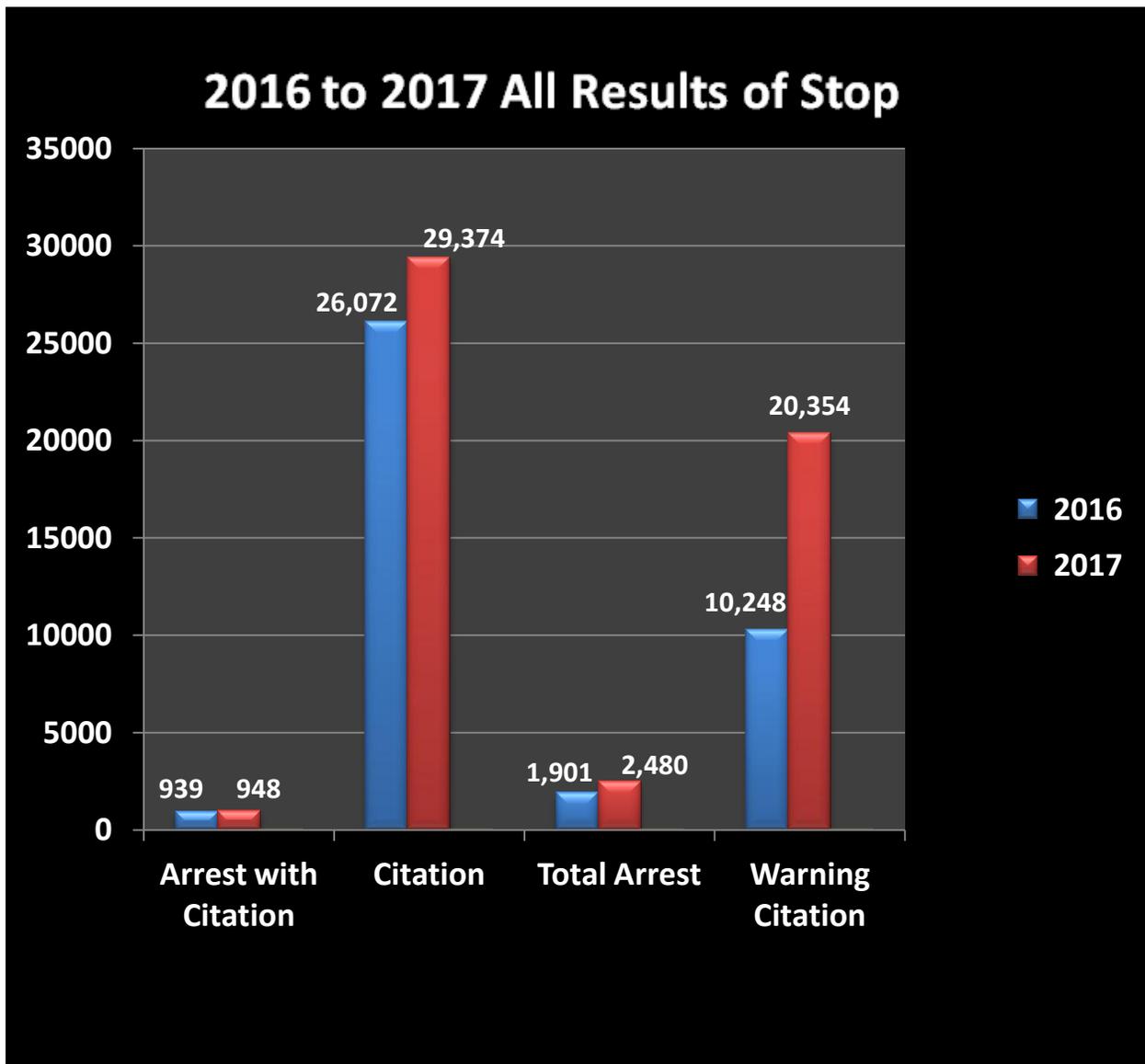
Description of Contraband

Contraband	2016	% of 2016 Total	2017	% of 2017 Total	% of change 2016 to 2017
Alcohol	26	1.65%	25	1.22%	-3.85%
Currency	3	.19%	9	.44%	200.00%
Drugs	367	23.27%	450	21.99%	22.62%
None Found	1,151	72.99%	1,537	75.12%	33.54%
Other	7	.45%	12	.59%	71.43%
Stolen Property	12	.76%	3	.15%	-75.00%
Weapons	11	.69%	10	.49%	-9.09%
Grand Total	1,577		2,046		



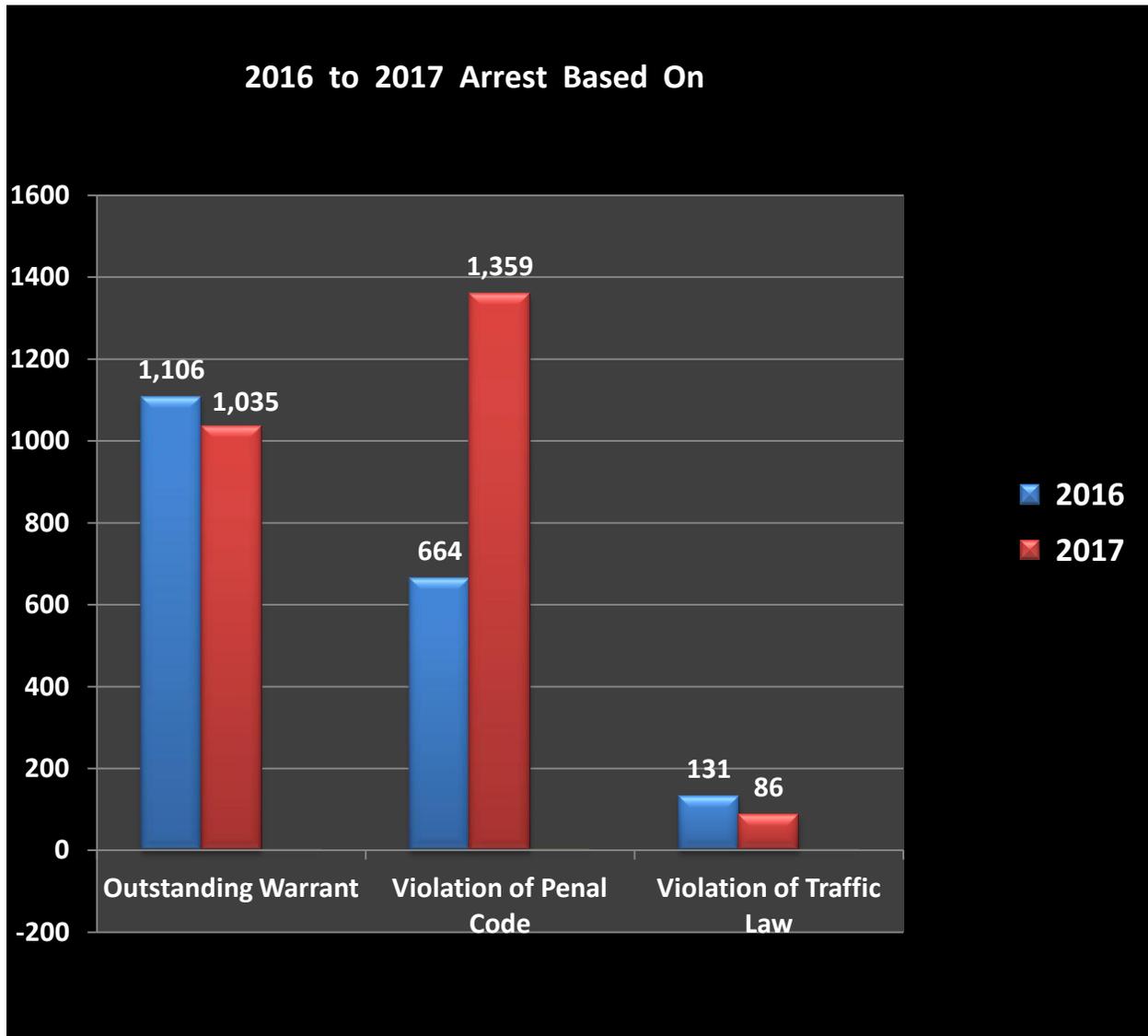
Result of Stop

Result of Stop	2016	% of 2016 Total	2017	% of 2017 Total	% of change 2016 to 2017
Arrest with Citation	939	2.46%	948	1.91%	.96%
Citation	26,072	68.12%	29,374	59.07%	12.66%
Total Arrest	1,901	4.97%	2,480	4.99%	30.46%
Warning Citation	10,248	26.81%	20,354	40.93%	98.61%



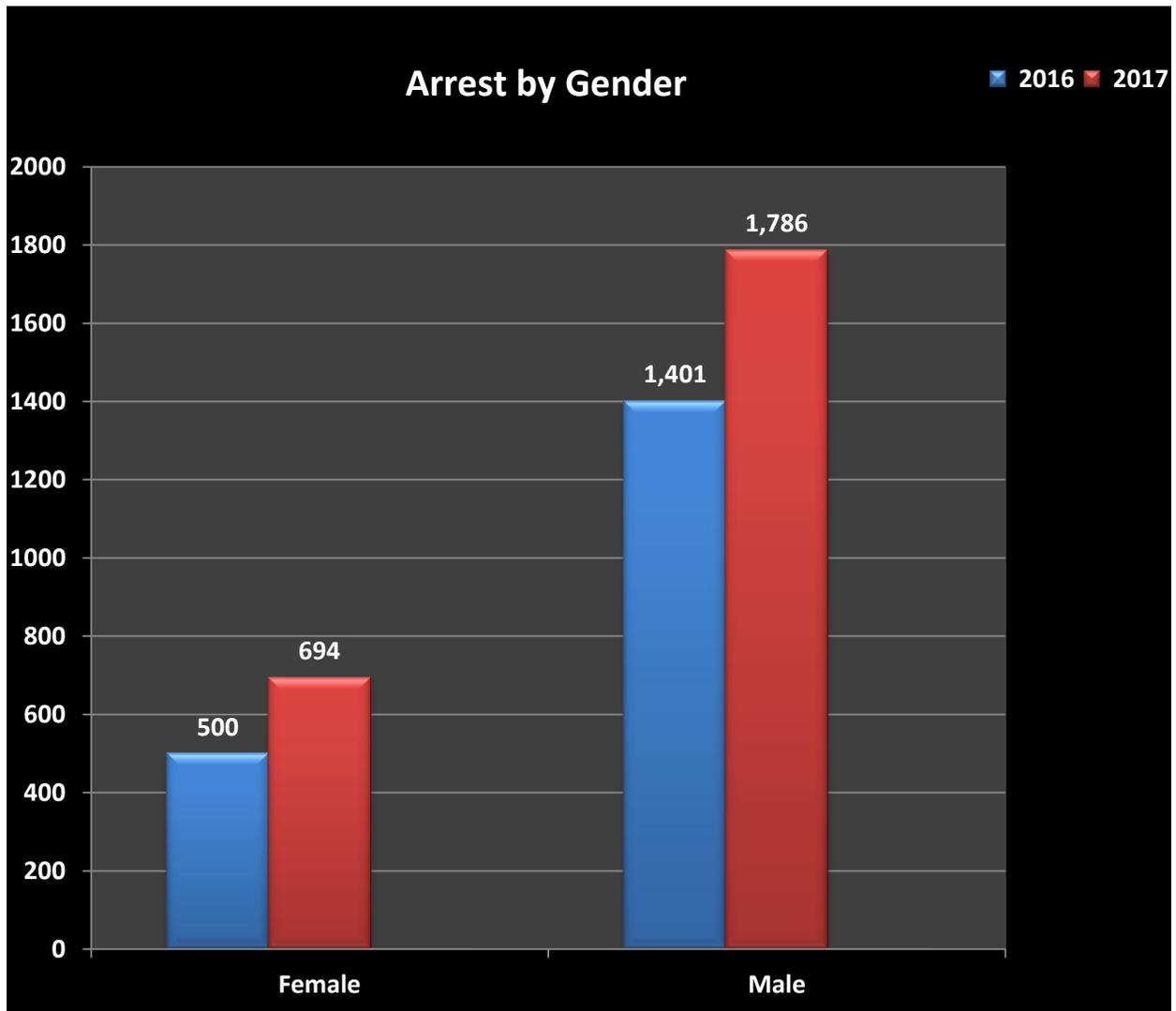
Arrest Based On

Arrest Based On	2016	% of 2016 Total	2017	% of 2017 Total	% of change 2016 to 2017
Outstanding Warrant	1,106	58.18%	1,035	41.73%	-6.42%
Violation of Penal Code	664	34.93%	1,359	54.8%	104.67%
Violation of Traffic Law	131	6.89%	86	3.47%	-34.35%



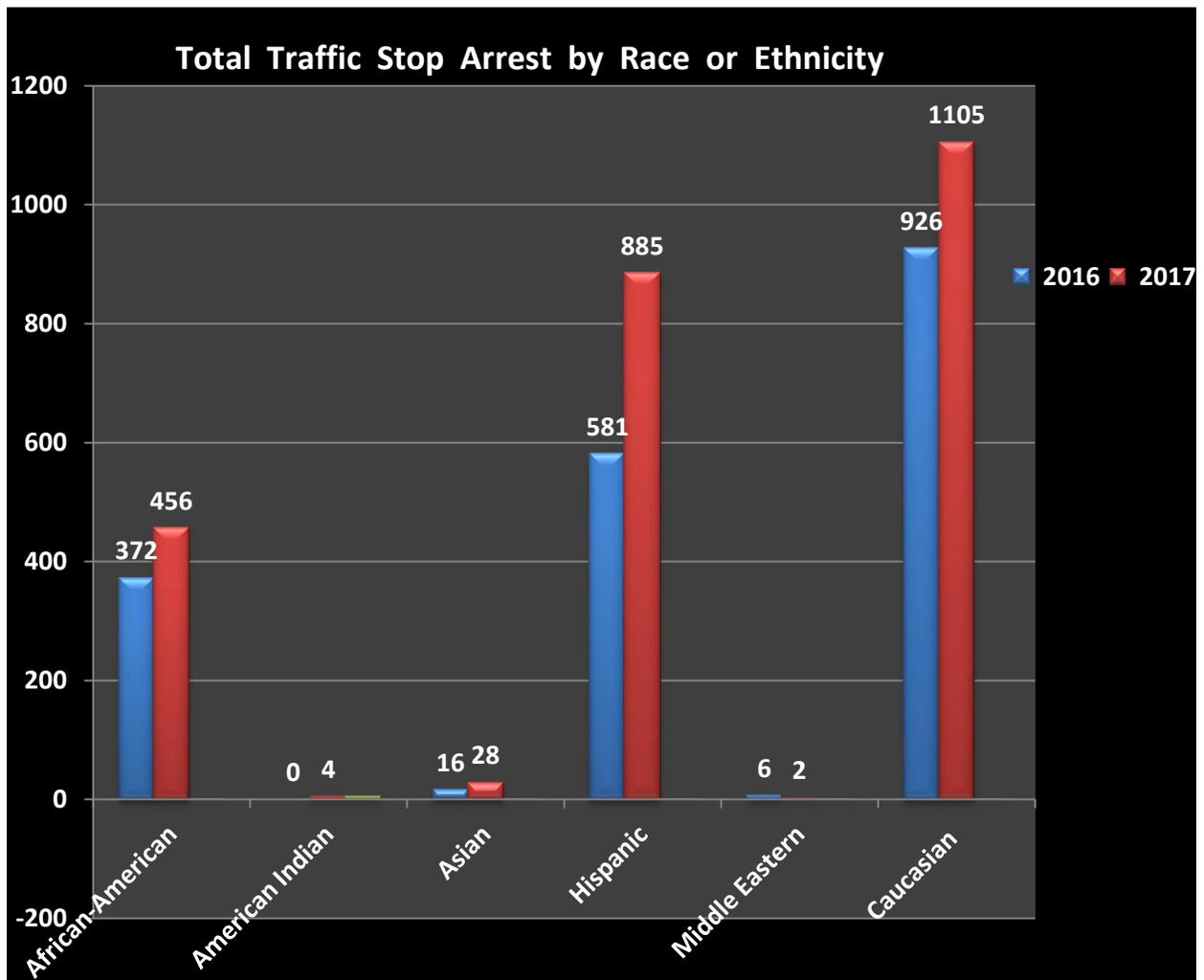
Total Arrest by Gender

	2016	% of 2016 Total	2017	% of 2017 Total	% of change 2016 to 2017
Female	500	26.3%	694	27.98%	38.80%
Male	1,401	73.7%	1,786	72.02%	27.48%
Grand Total	1,901		2,480		



Total Arrest by Race or Ethnicity

Race or Ethnicity	2016	% of 2016 Total	2017	% of 2017 Total	% of change 2016 to 2017
African-American	372	19.57%	456	18.39%	22.58%
American Indian	0	0	4	.16%	400.00%
Asian	16	.84%	28	1.13%	75.00%
Caucasian	926	48.71%	1,105	44.56%	19.33%
Hispanic	581	30.56%	885	35.69%	52.32%
Middle Eastern	6	.32%	2	.07%	-66.67%
Grand Total	1,901		2,480		



The Amarillo Police Department is committed to fair and equitable treatment of all persons. We investigate all complaints and allegations, and strive to maintain a professional and well-trained staff of employees.

If you have a complaint concerning Police services, including a complaint alleging racial profiling, you may let us know about your complaint in one of three ways:

- You may contact the officer's supervisor by phone. Call 806-378-4231 to speak with a uniform division supervisor.
- You may make a complaint to the Amarillo Police Department Internal Affairs Investigator in person, by mail, or by phone. The Internal Affairs office is on the 4th floor of the Police Department, 200 SE 3rd, Amarillo, Texas 79101. Telephone 806-378-5251.

2016/2017 Racial Profiling Complaints

In 2016, the Amarillo Police Department Internal Affairs Division received two complaints related to racial or bias profiling.

In the first complaint, the subject alleged that two officers made contact with them only due to their Hispanic heritage. After examination of the facts, both officers were exonerated.

In the second complaint, the subject made an allegation that a racial slur was uttered towards him by an officer. Witnesses at the scene were interviewed and no evidence was found to substantiate this claim. The complaint is listed as not-sustained.

In 2017 the Amarillo Police Department Internal Affairs Division did not receive any complaints related to racial or bias profiling.

Community Outreach

The Amarillo Police Department has a number of strategies in place to partner with minority communities. During 2017, the department conducted two Corporal Lisa Cherry Summer Camps that primarily served minority and disadvantaged children. Also in 2017, the department implemented the Neighborhood Police Officer Unit to engage in community policing and problem solving. Two NPOs each are assigned to the North Heights, East Amarillo (Barrio), Southlawn, San Jacinto neighborhoods, and the Eastridge neighborhood.

The Amarillo Police Department has on-going partnerships with several organizations in our minority communities including the Amarillo Branch of the NAACP, the Barrio Breakfast Group, the Urban Project, Community Alliance of Leaders and Law Enforcement (C.A.L.L.), Power Church Barrio Block Party, St John's Baptist Church Community Block Party, League of United Latin American Citizens (LULAC), Barrio Historical District Project, Catholic Charities of the Texas Panhandle, Refugee Services of Texas, and the Amarillo Juneteenth Committee.

In February of 2016 the Amarillo Police Department began an Explorers program for youths of the community. The program is open to all who have completed the 8th grade and are no older than 20 years of age. The mission of the Amarillo Police Department Explorer Program is to develop life skills for youths in Amarillo, with a focus on leadership and public service in law enforcement. The core values of the program are HONOR, TRUTH, INTEGRITY, SERVICE, and LEADERSHIP.

Recruitment & Training

Amarillo Police has previously restricted hiring new police officers to applicants who have lived within a 500 mile radius of Amarillo, for at least five years.

The Amarillo Police Department has expanded recruiting efforts to include colleges in Oklahoma and Kansas; this doubled the number of colleges recruiters went to. The recruitment area in Texas was expanded to include the Houston area as well. Recruiters went to military bases in Oklahoma, Kansas, and Texas.

The Amarillo Police Department advertisement campaign included social media, movie theaters, and local television channels. The local television channels were used for bookend commercials and live interviews.

The Amarillo Police Department social media campaign included area restaurants and businesses that allowed us to sit at their establishment and have candidates come to recruiters. The movie theater commercial ads played before movies at one of our 2 local theaters.

The Amarillo Police Department recruiters developed a social media platform that allowed candidates to contact them directly through Facebook (which at times was 24 hrs a day).

The Amarillo Police Department believe that new recruiting efforts and expanded recruitment area will help us fill more vacant positions and may help improve the diversity of our department.

The Amarillo Police Department is authorized 365 sworn officers and was staffed at 354 at the end of 2017. The department’s demographic profile for sworn officers at the end of 2017 was as follows:

Gender		
Male	324	92%
Female	30	8%

Race or Ethnicity		
African American	6	1.7%
Alaska Native or Native American	2	0.6%
Asian or Pacific Islander		
Caucasian	297	83.9%
Hispanic or Latino	48	13.6%
Other	1	0.3%

The Amarillo Police Department’s Training Advisory Board (TAB) includes prominent minority community leaders. The TAB provides guidance to the department’s leadership and staff on training related matters such as course offering, training standards, and curriculum development. During the Basic Police Academy, all new recruit officers receive training on Racial Profiling/Implicit Bias (16 hours), Diversity & Multi-cultural Human Relations (16 hours), and Communication and De-escalation Techniques (16 hours). During 2017 the Police Department provided training recommended by the President’s Task Force on Policing in the 21th Century such as Community Policing and Procedural Justice. Incumbent officers also received training on implicit bias and de-escalation techniques during in-service training.

Appendices

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- I. The purpose of this policy is to unequivocally state that bias based profiling, including racial or ethnic profiling, is illegal and unacceptable; to provide guidelines for officers to prevent such occurrences; and to protect officers from unwarranted accusations when they act within the dictates of the law.

- II. Officers are prohibited from biased based profiling. Officers may not use biased based stereotypes in selecting whom to stop or search; they can use race, sex, etc., in conjunction with other known descriptions of a suspect. Officers will actively enforce the law and make law enforcement decisions without regard to race, ethnicity, or other strictly personal traits of a particular suspect or person.

- III. Definitions:
 - A. Bias based profiling means a law enforcement-initiated action based on an individual's race, ethnicity, national origin, or other strictly personal characteristics such as gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group, rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity.
 1. Bias based profiling pertains to persons who are viewed as suspects or potential suspects of criminal behavior. The term is not relevant to witnesses, complainants, or other citizen contacts.
 2. The prohibition against bias based profiling does not preclude the use of race, ethnicity, or national origin as factors in a detention decision. Race, ethnicity, or national origin may be legitimate factors in a detention decision when used as part of an actual description of a specific suspect for whom an officer is searching. Detaining an individual and conducting an inquiry into that person's activities simply because of that individual's race, ethnicity, or national origin is bias based profiling.
 3. Examples of bias based profiling include these activities: Citing a driver who is speeding because of the driver's race, ethnicity, national origin, or other strictly personal characteristics. Detaining the driver of a vehicle based on the

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assumption that a person of that race, ethnicity, national origin, or other strictly personal characteristics would be unlikely to own or possesses that specific make or model of vehicle. Detaining an individual based upon the assumption that a person of that race, ethnicity, national origin, or other strictly personal characteristics does not belong to a specific part of town or a specific place.

B. Race or ethnicity – of a particular decent, including Caucasian, African, Hispanic, Asian, Middle Eastern descent, or Native American.

C. Traffic stop – an officer stops a motor vehicle for an alleged violation of a law or ordinance regulating traffic.

IV. Training:

A. Officers will receive training on bias based profiling prohibitions as set forth in TCOLE mandated guidelines.

V. Complaints Concerning Bias Based Profiling:

A. Complaints alleging bias based profiling will be filed and investigated like any other complaint by following the complaint investigation procedure as outlined in this manual.

B. If there is a recording of the events upon which the complaint is based, upon commencement of an investigation by the Department into the complaint and written request from the officer made the subject of complaint, the agency will promptly provide a copy of the audio or video recording to that officer.

C. If a bias based profiling complaint is sustained against an officer, it will result in appropriate corrective and/or disciplinary action.

D. The Department will provide public education about the process of filing a complaint for bias based profiling and other complaints. This public education will include

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notices posted in the Department and public speaking opportunities.

VI. Supervisory Responsibilities:

Supervisors are required to review portions of at least three random videos (in-car or body worn camera) each quarter per officer to ensure compliance with this directive. If any issues are discovered during review, the reviewing supervisor will handle the incident like any other complaint by following the complaint investigation protocol as outlined in this manual.

VII. Data Collection and Reporting:

- A. Every time an officer stops a motor vehicle for an alleged violation of a law or city ordinance, the officer must complete one of the following documents even if the suspect is subsequently arrested:
1. Traffic warning citation, traffic citation, or misdemeanor citation.
 2. One of these forms must be completed in order to accurately collect the following data on traffic stops concerning the suspect(s):
 - a) Race, ethnicity, and gender;
 - b) The traffic law, ordinance, or law alleged to be violated;
 - c) Whether or not a search was conducted and if so, if the search was consented to; whether or not contraband was discovered and if so, the type of contraband discovered; whether probable cause to search existed and the facts supporting the existence of that probable cause; and
 - d) Whether or not an arrest was made as a result of the stop or search, including a statement of the offense charged; the address of the stop; and whether or not a warning or citation was issued as a result of the stop, including a description of the warning or a statement of the violation charged.

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- B. In cases where an officer stops a vehicle for a reason other than a traffic violation; the vehicle stop must be documented for racial profiling data. Officers will create a warning citation for the stop. In the charge section they will enter "Document Only". The driver of the vehicle will not sign the warning citation, and a copy of the citation will not be given to the driver. If the warning is a paper copy, both copies of the warning citation will be turned in as is normally done with the original. If the warning citation is electronic, no copy will be printed out. The electronic ticket writer will be docked as usual so the warning citation can be uploaded to the ticketing system.
- C. The Service Division Captain or a designee will be responsible for processing the racial profiling information on a monthly basis to correct any errors made by officers generating the profiling information. Indicators will be sent to officers who provided incorrect or conflicting information.
- D. No later than January 15TH of each year, the Internal Affairs Investigator will submit to the Chief of Police a report containing information compiled from the preceding calendar year regarding each complaint filed with the Department alleging bias based profiling. This report will not include identifying information about an officer who made a stop or arrest.
- E. By February 1ST of each year, the Service Division Captain will submit to the Chief of Police a Tier-1 report containing information compiled from the preceding calendar year that includes a comparative analysis of the information contained in the individual reports in order to:
1. Determine the prevalence of bias based profiling by officers in this Department; and
 2. Examine the disposition of officer initiated contacts made by this Department's officers, including searches resulting from stops.

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3. The breakdown of racial profiling data will include:
 - a) Citations by race or ethnicity;
 - b) The number of citations that resulted in a search;
 - c) The number of searches that were consensual; and
 - d) The number of citations that resulted in custodial arrests.

- F. The Chief of Police will submit a copy of this report to the City Commission by March 1st of each year.

Ed Drain, Chief of Police

TEXAS COMMISSION ON LAW ENFORCEMENT

What does it mean when an Agency Reports as Racial Profiling- Tier 1-Partially Exempt?

Each agency must select the racial profiling reporting option that applies to their particular situation.

When an agency chooses to report as **Partial Exemption** or **Tier 1** Reporting under Texas Code of Criminal Procedure §2.135, the agency is stating that it routinely performs traffic stops or motor vehicle stops, and that the vehicles that routinely perform these stops are equipped with video and audio equipment. The agency must maintain videos for 90 days after the stop, or if a complaint is received, until the disposition of the complaint. An agency that has requested, and has not received, funds to install the recording equipment may also file under partial exemption in accordance with §2.135(a)(2).

The data collected for **Tier 1** (Partial Exemption) reports must include:

- the number of motor vehicle stops,
- the number of types of race or ethnicity of the person(s) who were stopped was,
- the number of stops that the race or ethnicity was known prior to the stop.
- the number of stops in which a search was conducted
- number of searches that consent was received prior to search.

The Chief Administrator of the agency must also certify that they have adopted a detailed written policy on racial profiling. Under Code of Criminal Procedure §2.132(b), every law enforcement agency is required to have a racial profiling policy, which 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;

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

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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;

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- (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

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- (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

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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

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- (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.

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- (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:

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- (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.

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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.

Racial Profiling Report | Tier one

Agency Name:	Amarillo Police Department
Reporting Date:	02/23/2018
TCOLE Agency Number:	375201
Chief Administrator:	Chief Ed Drain
Agency Contact Information:	
Phone:	806-378-3055
Email:	ed.drain@amarillo.gov
Mailing Address:	200 SE 3rd Ave Amarillo Texas 79101

This Agency claims partial racial profiling report exemption because:

Our vehicles that conduct motor vehicle stops are equipped with video and audio equipment and we maintain videos for 90 days.

Certification to This Report 2.132 (Tier 1), Partial Exemption

Article 2.132(b) CCP Law Enforcement Policy on Racial Profiling

Amarillo Police Department has adopted a detailed written policy on racial profiling. Our policy:

- 1.) clearly defines acts constituting racial profiling;
- 2.) strictly prohibits peace officers employed by the Amarillo Police Department from engaging in racial profiling;
- 3.) implements a process by which an individual may file a complaint with the Amarillo Police Department if the individual believes that a peace officer employed by the Amarillo Police Department has engaged in racial profiling with respect to the individual;
- 4.) provides public education relating to the agency's complaint process;
- 5.) requires appropriate corrective action to be taken against a peace officer employed by the Amarillo Police Department who, after an investigation, is shown to have engaged in racial profiling in violation of the Amarillo Police Department's policy adopted under this article;

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6.) require collection of information relating to motor vehicle stops in which a citation 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; and
- c.) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; 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 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: Chief Ed Drain

Chief Administrator

Amarillo Police Department

Date: 02/23/2018

Appendix D

Amarillo Police Department Motor Vehicle Racial Profiling Information

Total stops: 49728

Number of motor vehicle stops

Citation only: 47248

Arrest only: 1532

Both: 948

Race or ethnicity

African: 5639

Asian: 866

Caucasian: 27010

Hispanic: 15738

Middle eastern: 359

Native american: 116

Was race known ethnicity known prior to stop?

Yes: 1529

No: 48199

Was a search conducted

Yes: 2046

No: 47682

Was search consented?

Yes: 213

No: 1833

Submitted electronically to the

The Texas Commission on Law Enforcement