
BIAS BASED PROFILING REPORT

2019



ROCKPORT POLICE DEPARTMENT

Executive Summary

Article 2.133 of the Texas Code of Criminal Procedure (CCP) requires Texas peace officers to report specific information related to motor vehicle stops they make to their employing agency, and Article 2.134 of the CCP requires the agency to compile, analyze and report that information to the Texas Commission on Law Enforcement (TCOLE) and the agency's governing body. Information related to motor vehicle stops required for collection, analysis and reporting includes the driver's gender; race or ethnicity; the initial reason for the stop; whether the officer conducted a search and if so, whether the search was consensual; whether any contraband or evidence of a crime was discovered during a search along with a description of such contraband or evidence; the reason for any search; whether any arrests were made during the stop, and if so, for what charges; the location of the stop; whether the officer issued a verbal or written warning or a citation; and whether the officer used physical force that resulted in bodily injury during the stop.

The Rockport Police Department is filing this “Biased Based Profiling Report,” which includes its electronic “Racial Profiling Report” filed with TCOLE on January 16, 2020, with the Rockport City Council in accordance with the reporting requirements under Article 2.134 of the CCP.

The analysis of data related to motor vehicle stops made by Rockport police officers revealed the following:

- **A COMPREHENSIVE REVIEW OF THE ROCKPORT POLICE DEPARTMENT’S BIAS BASED PROFILING POLICY SHOWS THAT THE ROCKPORT 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 ROCKPORT 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 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 PROCESS REVEALS THAT THE DEPARTMENT NEEDS TO IMPROVE ITS METHODS FOR THE COLLECTION OF BIAS BASED PROFILING DATA.**
- **ANALYSIS OF STATISTICAL INFORMATION FROM ROCKPORT POLICE DEPARTMENT REVEALS THAT THERE ARE NO METHODOLOGICALLY CONCLUSIVE INDICATIONS OF SYSTEMIC BIAS BASED PROFILING BY THE DEPARTMENT.**
- **THE ROCKPORT POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW CONCERNING THE REPORTING OF INFORMATION TO THE TEXAS COMMISSION ON LAW ENFORCEMENT (TCOLE).**

Introduction

This report details an analysis of the Rockport Police Department's policies, training, and statistical information on bias based profiling for the calendar year 2019. This report has been prepared to specifically comply with Article 2.134 of the CCP regarding the compilation and analysis of bias based profiling 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 Rockport Police Department in 2019. The full copies of the applicable laws and regulations pertaining to this report are contained in Appendix A.

This report is divided into six analytical sections: the Rockport Police Department's bias based profiling policy; the Rockport Police Department's training and education on bias based profiling; the Rockport Police Department's complaint process and public education on bias based profiling; an audit of the process for the collection of information by Rockport police officers; the compilation and analysis of the information collected; and a final section which includes completed data and information reporting forms required to be sent to TCOLE beginning in 2011.

For the purposes of this report and analysis, the following definition of bias based profiling, or "racial profiling," is used: 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).

Rockport Police Department Policy on Bias Based Profiling

State law requires Texas law enforcement agencies to have policies and submit an annual report regarding "racial profiling." The Rockport Police Department is a recognized agency under the Texas Police Chiefs Association (TPCA) Best Practices Recognition Program, which requires recognized agencies to meet the state law standard and exceed it by enacting policies and submitting an annual report regarding "biased based profiling." Policies regarding biased based profiling include racial profiling as well as other forms of discriminatory profiling such as gender bias, religious bias, economic bias, etc. As a TPCA Best Practices recognized agency, the Rockport Police Department's policy meets and exceeds the minimum state law standard.

A review of Rockport Police Department's "Bias Based Profiling Policy" (included in its entirety as Appendix B) revealed that the department has adopted policies in compliance with Article 2.132 of the CCP. There are seven specific requirements mandated by Article 2.132 that a law enforcement agency must address. All seven are clearly covered in Rockport Police Department's bias based profiling policy. Rockport Police Department policies provide clear direction that any form of bias based profiling is prohibited and that officers found engaging in inappropriate profiling may be disciplined in accordance with Rockport Police Department and City of Rockport Policies and Procedures up to and including termination. The policies also provide a very clear statement of the agency's philosophy regarding equal treatment of all persons regardless of race, ethnicity, or national origin. The Rockport Police Department's Bias Based Profiling Policy is included with this report in Appendix B.

A COMPREHENSIVE REVIEW OF ROCKPORT POLICE DEPARTMENT'S BIAS BASED PROFILING POLICY SHOWS THAT THE ROCKPORT POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH ARTICLE 2.132 OF THE TEXAS CODE OF CRIMINAL PROCEDURE.

Rockport Police Department Training and Education on Bias Based Profiling

Texas Occupation Code §1701.253 and §1701.402 require that curriculum be established and training certificates issued on bias based profiling for all Texas peace officers. Documentation provided by Rockport Police Department reveals that bias based profiling training and certification is current for all officers in 2019. The department has also identified officers who will need updated training in 2020 and has planned for those officers to attend the training. All Rockport Police Department officers are trained and instructed on the bias based profiling law in Texas. In addition, officers also receive mandatory cultural diversity training. All officers have been instructed on the policies and procedures regarding bias based profiling and the accompanying complaint process as well.

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

Rockport Police Department Complaint Process and Public Education on Bias Based Profiling

Article 2.132(b)(3) and (4) of the CCP requires that law enforcement agencies implement a complaint process on bias based profiling and that the agency provide public education on the complaint process. Section V of the Rockport Police Department's Bias Based Profiling Policy covers this requirement. The City of Rockport Police Department has also taken the following actions to ensure that the information relating to the policy disallowing bias based profiling has been made known to the public:

1. Created a complaint form which is available at any time from any officer or at any time at the lobby of the police station; and
2. Officers of the department have been instructed on the bias based profiling law and are available to, and have answered requests about, the law and complaint procedure.

A REVIEW OF THE DOCUMENTATION PRODUCED BY THE DEPARTMENT REVEALS THAT THE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW ON THE BIAS BASED PROFILING COMPLAINT PROCESS AND PUBLIC EDUCATION ABOUT THE COMPLAINT PROCESS.

Audit of the Collection of Information by Rockport police officers

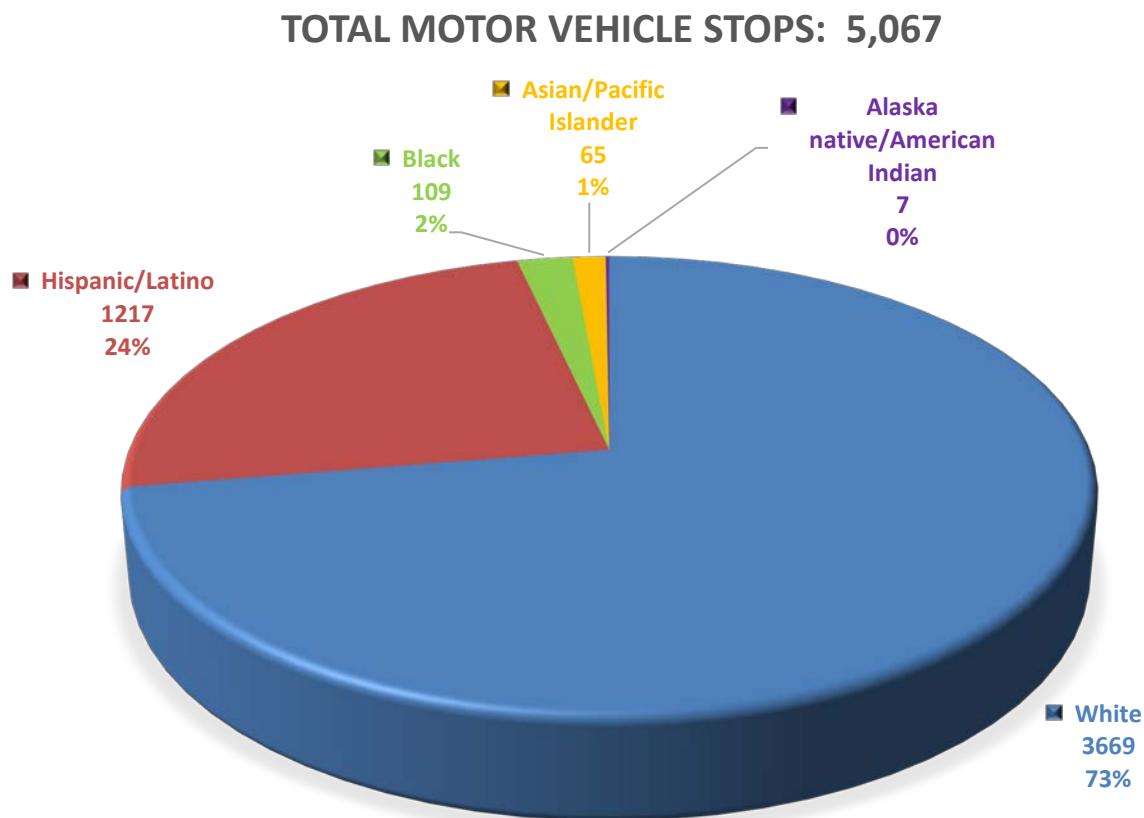
Article 2.133 of the CCP requires Rockport police officers to report specific information from motor vehicle stops they make to the Rockport Police Department in order for the department to compile and analyze the data from those stops for this report. Deficiencies in how officers

collected and reported information for stops they make, specifically related to the number of arrests resulting from motor vehicle stops and when verbal warnings were given, were found. The types of contraband found during searches may also not be accurately reported. However, none of these factors proved to have any bearing on the validity of the report in terms of indicating racial bias in the manner in which officers make motor vehicle stops, conduct searches, make arrests or use force during such stops.

ANALYSIS OF THE PROCESS REVEALS THAT THE DEPARTMENT NEEDS TO IMPROVE ITS METHODS FOR THE COLLECTION OF BIAS BASED PROFILING DATA.

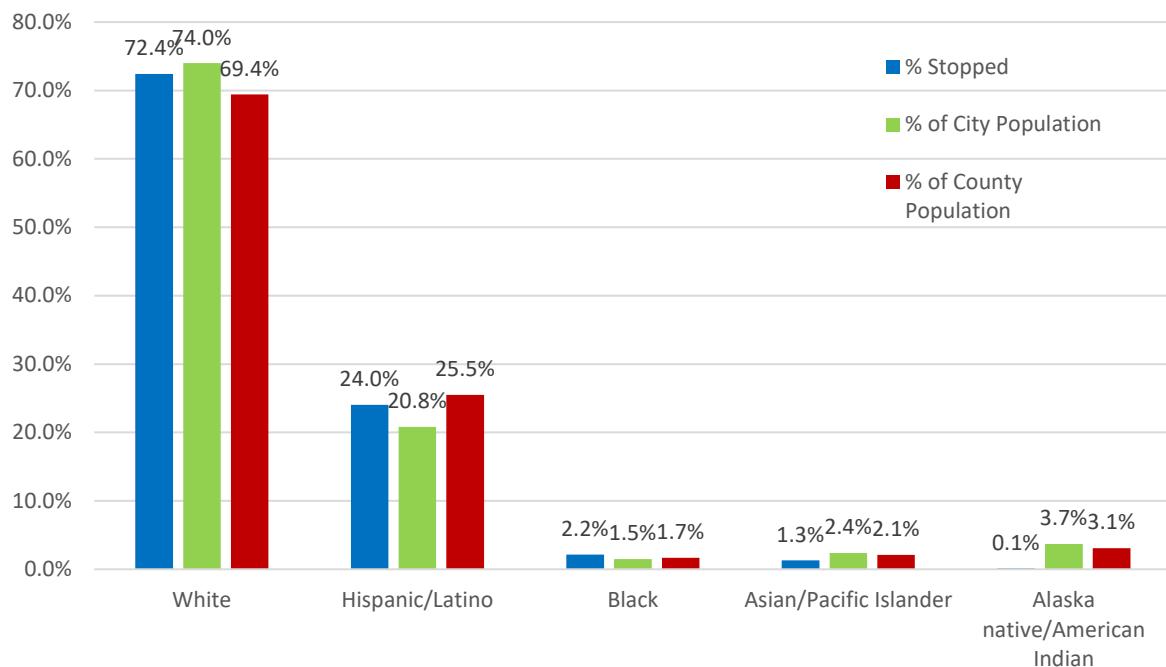
Compilation and Analysis of the Information Collected

Rockport police officers made a total of 5,067 motor vehicle stops during 2019. The chart below depicts the number and percentages of people stopped by race or ethnicity, which is categorized under Article 2.132 of the CCP as: Alaska native or American Indian; Asian or Pacific Islander; black; white; and Hispanics or Latino.



The following chart compares the demographics of persons stopped by Rockport police officers with that of the populations of Aransas County and the City of Rockport, which is the county seat. By a large margin, white drivers were most often stopped, comprising 72.4 percent of all drivers stopped. That figure is statistically correlated to the average population of whites within the county and the city. The next most frequently stopped drivers were Hispanic or Latino drivers, which constituted 24 percent of all drivers stopped. That figure is also statistically correlated with the average Hispanic or Latino population between the county and the city. The 109 black drivers stopped accounted for only 2.2 percent of all drivers stopped; however, that figure is slightly statistically higher than the average of the black population of the county and the city. Of the 14 instances in which Rockport officer reported knowing the race of the driver before making a motor vehicle stop, none were of black drivers. (In fact, all 14 were of white drivers.) Asian or Pacific Islander drivers constituted 1.3 percent of all drivers stopped, and Alaska native or American Indian drivers accounted for almost zero percent of all drivers stopped, both well below their respective county and city population values.¹

Race of Drivers Stopped Compared with Population



The different rates within racial groups between U.S. Census figures and those stopped by Rockport police are not significant and can be accounted for by two factors. First, it is important to note that the racial and ethnic composition in the counties surrounding Rockport and Aransas County is significantly different. Specifically, the Hispanic or Latino populations of the surrounding counties are:

¹ City of Rockport and Aransas County population figures are derived from the 2010 Census from the U.S. Census Bureau.

- Calhoun County – 44 %
- Nueces County – 59%
- Refugio County – 46%
- San Patricio County – 52%²

Second, the economy of Rockport is based on tourism, and on any given day as many people visit Rockport as there are permanent residents. Additionally, during certain times of the year, Rockport's population can triple or even quadruple with the number of visitors. This is reflected by the fact that 51 percent of the motor vehicle stops made by Rockport police officers in 2019 were of non-residents. Between these two factors, variation within groups is expected.

As the charts above show, easy determinations regarding whether Rockport police officers have "bias based profiled" a given motorist are impossible given the nature of the data that has been collected and presented for this report. The law dictates that police agencies compile aggregate-level data regarding the *rates* at which agencies *collectively* stop motorists in terms of their race/ethnicity. These aggregated data are to be subsequently analyzed in order to determine whether *individual* officers are "bias based 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 incident level data. In short, one cannot "prove" that an *individual* officer has "bias based profiled" any *individual* motorist based on the rate at which a department stops any given *group* of motorists.

Additional interpretation problems remain regarding the specific measurement of "bias based profiling" as defined by Texas state code. For example, officers are currently forced to make subjective determinations regarding an individual's race based on his or her personal observations because the Texas Department of Public Safety does not provide an objectively-based determination of an individual's race or ethnicity on the Texas driver's license. The absence of any verifiable race/ethnicity data on the driver's license is especially troubling given the racial diversity within the city of Rockport, and because Rockport is a tourist destination, the racial diversity of the State of Texas and the United States. Article 2.133(b)(1)(B) requires officers to record a driver'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." The validity of any racial/ethnic disparities discovered in the aggregate level data becomes threatened in direct proportion to the number of subjective "guesses" officers are forced to make when trying to determine an individual's racial or ethnic background.

Finally, there has been considerable debate as to what the most appropriate population "base-rate" is in determining whether racial or ethnic disparities exist. As the current analysis shows regarding the use of city and county population base-rates, the outcome of analyses designed to determine whether disparities exist is obviously dependent on which base-rate is used. In addition, recent population changes in the city of Rockport exacerbates problems associated with determining appropriate base-rates because measures derived from the U.S. Census can become quickly outdated. Although this report utilized the more recent 2010 Census, this population measure, in

² Surrounding county population figures are derived from the 2010 Census from the U.S. Census Bureau.

2019, is near the end of its usefulness. This issue is likely exacerbated by the outmigration caused by Hurricane Harvey in 2017.

Related to the above, the determination of valid stop base-rates becomes multiplied if analyses fail to distinguish between residents and non-residents who are stopped, because the existence of significant proportions of non-resident stops will lead to invalid conclusions if racial or ethnic comparisons are made exclusively to resident population figures.

In short, the methodological problems outlined above point to the limited utility of using aggregate level comparisons of the rates at which different racial or ethnic groups are stopped in order to determine whether bias based profiling exists within a given jurisdiction.

The following table reports the total number of persons, delineated by race or ethnicity, searched subsequent to being stopped by the Rockport Police Department while operating a motor vehicle in 2019 as well as the reason for such searches (i.e. consent, incident to arrest, probable cause, or contraband in plain view). In each case where contraband was found during a search, it was drug evidence, and the chart below shows the racial or ethnic breakdown of searches resulting in found contraband. Additionally, the chart below indicates the result of the stops (i.e. citation, warning and/or arrest).

	White	Hispanic/ Latino	Black	Asian/ P. I.	Alaska/ Indian	Total
Total Stops	3673	1217	109	65	7	5067
Total Searches	124	80	9	0	3	216
Consent Searches	25	11	5	0	0	41
Incident to Arrest	3	2	0	0	0	5
Probable Cause	65	52	2	0	0	119
Plain View	2	2	0	0	0	4
Citation Issued	847	400	32	7	0	1286
Warnings Given	2822	817	77	58	7	3781
Arrests	7	3	0	0	0	10

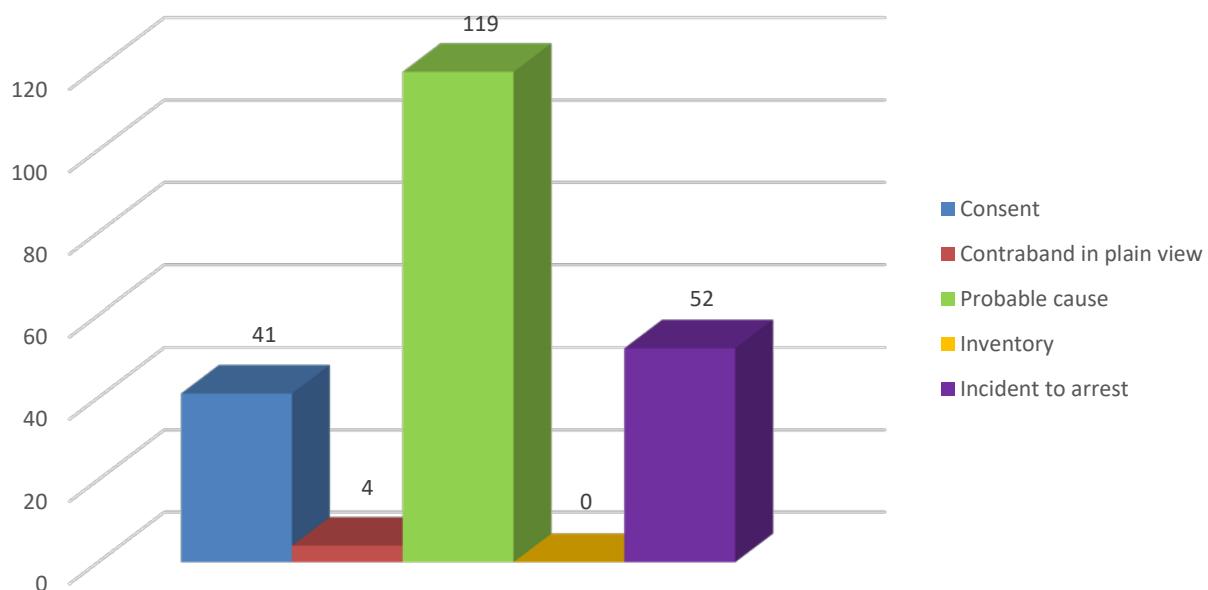
In analyzing this data, Rockport officers conducted searches during only 216, or 4.26 percent, of the total stops they made in 2019 (216/5067). The following table indicates the frequency at which each race or ethnicity was searched along with the frequency of those searches being consensual. Frequency of searches is expressed in the table below as a percentage of the total number of stops made for each race or ethnicity and as a percentage of the total number of searches overall. Frequency of consensual searches is expressed as a percentage of the total number of searches for each race or ethnicity and as a percentage of the total number of consensual searches overall.

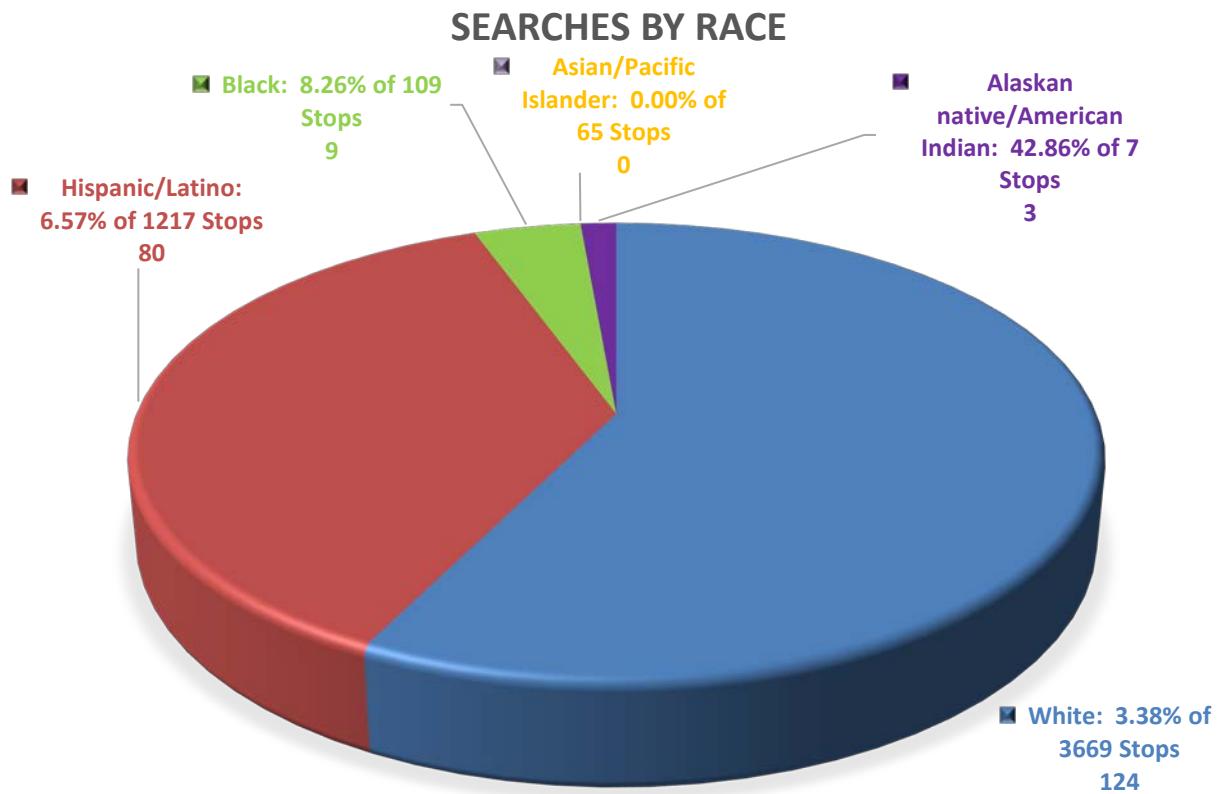
	White	Hispanic/ Latino	Black	Asian/ P. I.	Alaska/ Indian
Total Stops	3673	1217	109	65	7
Total Searches	124	80	9	0	3
Freq of Search – Total Stops	3.4%	6.6%	8.3%	0.0%	42.9%

Freq of Search – Total Searches	57.4%	37.0%	4.2%	0.0%	1.4%
Freq of Consent – Search by Race	20.2%	13.8%	55.6%	0.0%	0.0%
Freq of Consent – Total of Consent	61.0%	26.8%	12.2%	0.0%	0.0%

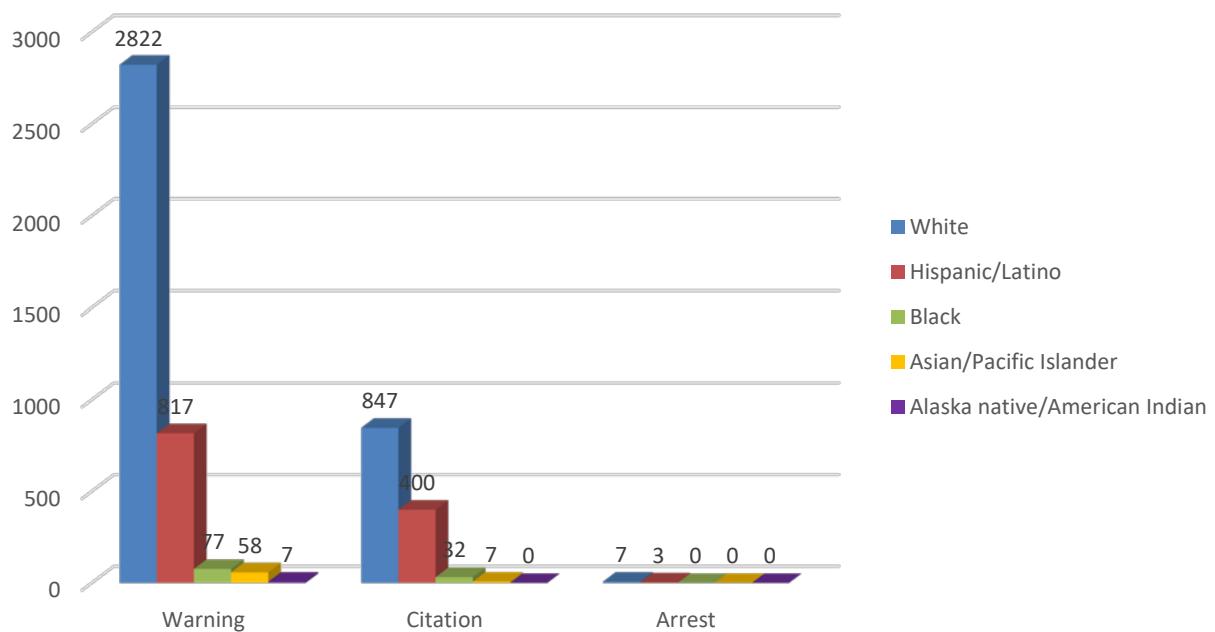
The vast majority of drivers stopped by Rockport police officers, regardless of race or ethnicity, were not searched, 95.74 percent in fact. Racial or ethnic minorities were ticketed at slightly higher rates than whites; however, no information was found to indicated that such was the result of bias based enforcement actions or discriminatory behavior. Rockport police officers issue substantially more warnings than citations to all races and ethnicities. The following charts provide a graphic representation of the above information.

Searches Conducted: 216





Results of Stops



Rockport police officers made no motor vehicle stops in 2019 during which force was used resulting in bodily injury. A table of consolidated data with more available information is included with this report as Appendix C.

ANALYSIS OF STATISTICAL INFORMATION FROM ROCKPORT POLICE DEPARTMENT REVEALS THAT THERE ARE NO METHODOLOGICALLY CONCLUSIVE INDICATIONS OF SYSTEMIC BIAS BASED PROFILING BY THE DEPARTMENT.

TCOLE Reporting Requirements

On January 16, 2020, the Rockport Police Department made its required electronic Racial Profiling Report to TCOLE on its website. A printout copy of that report is included with this report as Appendix D.

THE ROCKPORT POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW CONCERNING THE REPORTING OF INFORMATION TO THE TEXAS COMMISSION ON LAW ENFORCEMENT (TCOLE).

Summary

The foregoing analysis shows that the Rockport Police Department is fully in compliance with all relevant Texas laws concerning bias-based profiling, including the existence of a formal policy prohibiting bias based profiling by its officers, officer training and educational programs, and a formalized complaint process along with required public education opportunities. Although the Rockport Police Department's processes for the collection of data is in compliance with the law, improvements to the process should be made. Finally, internal records indicate that the department received no complaints in reference to bias based profiling for the year 2019.

In addition to providing summary reports and analysis of the data collected by the Rockport Police Department in 2019, 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 Rockport Police Department as well as police agencies across Texas. The Rockport Police Department should continue its educational and training efforts within the department on bias based profiling. Finally, the department should conduct periodic evaluations to assess patterns of officer decision-making on motor vehicle stops.

Appendix A

Racial Profiling Statutes and Laws

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.

Appendix B

Rockport Police Department

Bias Based Profiling Policy

COMMENT: It has been the long-standing practice of officers of the Rockport Police Department to treat all individuals with respect and courtesy. The Rockport Police Department Code of Conduct was established in September 1989 to “promote efficiency, discipline, and good public relations” (Code of Conduct 1.2) and “to maintain the confidence, respect, and support of the public” (Code of Conduct 2.1). Chapter VI of the Code of Conduct describes the responsibilities of all personnel in dealings with the public.

Effective September 1, 2001 Article 2.131 of the Texas Code of Criminal Procedure established a prohibition against racial profiling as follows:

“A peace officer may not engage in racial profiling”.

Racial Profiling is defined in Article 3.05 as:

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 behavior.

I. POLICY

The Rockport Police Department is committed to a respect for constitutional rights of all people in the performance of our duties. Our success is based on the respect we show to the people with whom we come in contact and the respect they demonstrate toward law enforcement. To meet this goal, we shall exercise our sworn duties, responsibilities, and obligations in a manner that does not discriminate on the basis of race, sex gender, national origin, ethnicity, age, or religion. All people carry biases: in law enforcement, however, the failure to control our biases can lead to improper arrests, searches, and detentions, resulting in our failure to accomplish the mission of our department. Actions guided by bias destroy the trust and respect essential for our mission to succeed. Respect for diversity and equitable enforcement of the law are essential to our mission.

All enforcement actions, particularly stops of individuals (for traffic and other purposes), investigative detentions, arrests, searches and seizures of persons or property, shall be based on the standards of reasonable suspicion or probable cause as required by the Fourth Amendment to the U. S. Constitution and statutory authority. In all enforcement decisions, officers shall be able to articulate specific facts, circumstances, and conclusions which support probable cause or reasonable suspicion for arrests, searches, seizures, and stops of individuals. Officers shall not stop, detain, arrest, search, or attempt to search anyone based

solely upon the person's race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group affiliation. Officers shall base all such actions on a reasonable suspicion that the person or an occupant of a vehicle committed or is committing an identifiable criminal offense.

Nothing in this order limits non-enforcement contacts between officers and the public.

II. PURPOSE

The purpose of this policy is to provide general guidance on reducing the presence of bias in law enforcement actions, to identify key contexts in which bias may influence these actions and emphasize the importance of the constitutional guidelines within which we operate.

III. DEFINITIONS

Most of the following terms appear in this order. In any case, these terms appear in the larger public discourse about alleged biased enforcement behavior and in other orders. These definitions are intended to facilitate on-going discussion and analysis of our enforcement practices.

- A. Bias: Prejudice or partiality which may be based on preconceived ideas, a person's upbringing, culture, experience, or education.
- B. Biased policing: Stopping, detaining, searching, or attempting to search, or using force against a person based upon his or her race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group affiliation, or for any other reason without reasonable suspicion or probable cause.
- C. Ethnicity: A cluster of characteristics which may include race but also cultural characteristics or traits which are shared by a group with a common experience or history (ex. Hispanic).
- D. Gender: Unlike sex, a psychological classification based on cultural characteristics or traits.
- E. Probable Cause: Facts or apparent facts and circumstances within an officer's knowledge and of which the officer had reasonable, trustworthy information to lead a reasonable person to believe that an offense has been or is being committed, and that the suspect has committed it.
- F. Race: A category of people of a particular descent, including Caucasian, African, Asian, or Native American descent. As distinct from ethnicity, race only refers to physical characteristics sufficiently distinctive to group people under a classification.

- G. Racial profiling: A law-enforcement initiated actions based on an individual's race, ethnicity, or nation origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity.
- H. Reasonable suspicion: Articulable, objective facts which lead an experienced officer to suspect that a person has committed, is committing, or may be about to commit a crime. A well-founded suspicion is based on the totality of the circumstances and does not exist unless it can be articulated. Reasonable suspicion supports a stop of a person. Courts require that stops based on reasonable suspicion be "objectively reasonable."
- I. Sex: A biological classification, male or female, based on physical and genetic characteristics.
- J. Stop: The detention of a subject for a brief period of time, based on reasonable suspicion. A stop is an investigative detention.

IV. PROCEDURES

- A. General responsibilities
 - 1. Officers are prohibited from engaging in bias-based profiling or stopping, detaining, searching, arresting, or taking any enforcement action including seizure or forfeiture activities, against any person based solely on the person's race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group affiliation. These characteristics, however, may form part of reasonable suspicion or probable cause when officers are seeking a suspect with one or more of these attributes. (TBP: 2.01)
 - 2. Reasonable suspicion or probable cause shall form the basis for any enforcement actions or decisions. Individuals shall only be subjected to stops, seizures, or detention upon reasonable suspicion that they have committed, are committing, or are about to commit an offense. Officers shall document the elements of reasonable suspicion and probable cause in appropriate reports.
 - 3. Officers shall observe all constitutional safeguards and shall respect the constitutional rights of all persons.
 - a. As traffic stops furnish a primary source of bias-related complaints, officers shall have a firm understanding of the warrantless searches allowed by law, particularly the use of consent.
 - b. Officers shall not use the refusal or lack of cooperation to justify a search of the person or vehicle or a prolonged detention once reasonable suspicion has been dispelled.

4. All personnel shall treat everyone with the same courtesy and respect that they would have others observe to department personnel.
 - a. All personnel shall courteously accept, document, and forward to the Chief of Police any complaints made by an individual against the department. Further, officers shall provide information on the complaints process and shall give copies of "How to Make a Complaint" when appropriate.
5. When feasible, personnel shall offer explanations of the reasons for enforcement actions or other decisions that bear on the individual's well-being unless the explanation would undermine an investigation or jeopardize an officer's safety.
6. When feasible, all personnel shall identify themselves by name. When a person requests the information, personnel shall give them their departmental identification number, name of the immediate supervisor, or any other reasonable information.
7. All personnel are accountable for their actions. Personnel shall justify their actions when required by appropriate authority.

B. Supervisor responsibilities

1. Supervisors shall be held accountable for the observance of constitutional safeguards during the performance of their duties. Supervisors shall identify and correct instances of bias in the work of their subordinates.
2. Supervisors shall use the disciplinary mechanisms of the department to ensure compliance with this order and the constitutional requirements of law enforcement.
3. Supervisors shall be mindful that in accounting for the actions and performance of subordinates, supervisors are instrumental to maintaining community trust in law enforcement. Supervisors shall continually reinforce the ethic of impartial enforcement of the laws, and shall ensure that personnel, by their actions, maintain the community's trust in law enforcement.
4. Supervisors are reminded that biased enforcement of the law results not only in mistrust of law enforcement but increases safety risks to personnel. Lack of control over bias also unnecessarily exposes the department to liability consequences. Supervisors shall be held accountable for repeated instances of biased enforcement of their subordinates.

5. Supervisors shall ensure that all enforcement actions are duly documented per departmental policy. Supervisors shall ensure that all reports show adequate documentation of reasonable suspicion and probable cause, if applicable.
6. Supervisors shall facilitate the filing of any complaints about law enforcement service.
7. Supervisors will randomly review at least three videos per officer (either body camera and/or in-car camera) per quarter. For this policy a “quarter” is defined as a 3-month period. Supervisors are not required to watch video of an entire shift; however, reviewing the footage of an incident in a manner intended to gain an understanding of that officer’s performance and adherence to policy and law is required. Supervisors will document the random review of video on the Officer Quarterly Video Review Log and any violations of policy or law will be addressed using existing internal affairs policy. (TBP: 2.01)
8. Section 7 above applies only to first-line uniformed officers and their immediate supervisors. In the absence of a first-line supervisor this responsibility will move to the next supervisor in the patrols division’s chain of command.

C. Disciplinary consequences

Actions prohibited by this order shall be cause for disciplinary action, up to and including dismissal.

D. Training (TBP: 2.01)

Officers shall complete training required by state law regarding bias based profiling.

V. COMPLAINTS

- A. The department shall publish “How to Make a Complaint” packets and make them available at the Aransas County Public Safety Center and Rockport City Hall. The department’s complaint process and its bias based profiling policy will be posted on the department’s website. Whenever possible, the media will be used to inform the public of the department’s policy and complaint process.
- B. Complaints alleging incidents of bias based profiling will be fully investigated as described under Policy 2.4.
- C. Complainants will be notified of the results of the investigation when such investigation is completed.

VI. RECORD KEEPING

- A. The department will maintain all required records on traffic stops where a citation is issued or where an arrest is made subsequent to a traffic stop pursuant to state law.
- B. The information collected above will be reported to the city council annually.
- C. The information will also be reported to TCOLE in the required format.

City of Rockport Motor Vehicle Stop Consolidated Data

Searches												
Category	Total Stops			Consent			Incident to Arrest			Probable Cause		
	Total	Percent	Total	% Const	% Tot Sch	Total	% ffa	% Tot Sch	Total	% PC	% Tot Sch	
Race												
White	3669	72.41%	25	60.98%	19.69%	35	67.31%	27.56%	65	54.62%	51.18%	
Hispanic/Latino	1217	24.02%	11	26.83%	13.75%	15	28.55%	18.75%	52	43.70%	65.00%	
Black	109	2.15%	5	12.20%	55.56%	2	3.85%	22.22%	2	1.68%	22.22%	
Asian/Pacific Islander	65	1.28%	0	0.00%	0.00%	0	0.00%	0.00%	0	0.00%	0.00%	
Alaska native/American Indian	7	0.14%	0	0.00%	0.00%	0	0.00%	0.00%	0	0.00%	0.00%	
Total	5067	100.00%	41	100.00%	18.98%	52	100.00%	24.07%	119	100.00%	55.09%	
Gender												
Male	3373	66.57%	29	70.73%	17.37%	43	82.69%	25.75%	92	77.31%	55.09%	
Female	1694	33.43%	12	29.27%	24.49%	9	17.31%	18.37%	27	22.69%	55.10%	
Total	5067	100.00%	41	100.00%	18.98%	52	100.00%	24.07%	119	100.00%	55.09%	
Residential Status												
Resident	2490	49.14%	23	56.10%	19.49%	34	65.38%	28.81%	60	50.42%	50.85%	
Non-Resident	2577	50.86%	18	43.90%	18.37%	18	34.62%	18.37%	59	49.58%	60.20%	
Total	5067	100.00%	41	100.00%	18.98%	52	100.00%	24.07%	119	100.00%	55.09%	
Results												
Category	Total Stops			Verbal Warning			Written Warning			Citation		
	Total	Percent	Total	% Verb	% Stops	Total	% WWrn	% Stops	Total	% Cite	% Stops	
Race												
White	3669	72.41%	0	0.00%	0.00%	2822	74.64%	76.91%	847	65.85%	23.09%	
Hispanic/Latino	1217	24.02%	0	0.00%	0.00%	817	21.61%	67.13%	400	31.10%	32.87%	
Black	109	2.15%	0	0.00%	0.00%	77	2.04%	70.64%	32	2.49%	29.36%	
Asian/Pacific Islander	65	1.28%	0	0.00%	0.00%	58	1.53%	89.23%	7	0.54%	10.77%	
Alaska native/American Indian	7	0.14%	0	0.00%	0.00%	7	0.19%	100.00%	0	0.00%	0.00%	
Total	5067	100.00%	0	0.00%	0.00%	3781	100.00%	74.62%	1286	100.00%	25.38%	
Gender												
Male	3373	66.57%	0	0.00%	0.00%	2481	65.62%	73.55%	892	69.36%	26.45%	
Female	1694	33.43%	0	0.00%	0.00%	1300	34.38%	76.74%	394	30.64%	23.26%	
Total	5067	100.00%	0	0.00%	0.00%	3781	100.00%	74.62%	1286	100.00%	25.38%	
Residential Status												
Resident	2490	49.14%	0	0.00%	0.00%	1771	46.84%	71.12%	719	55.91%	28.88%	
Non-Resident	2577	50.86%	0	0.00%	0.00%	2010	53.16%	78.00%	567	44.09%	22.00%	
Total	5067	100.00%	0	0.00%	0.00%	3781	100.00%	74.62%	1286	100.00%	25.38%	
Arrests												
Category	Total			% Found			Total			% Arrest		
	Total	Percent	Total	% Verb	% Stops	Total	% Cite	% Stops	Total	% Found	% Stops	
Race												
White	3669	72.41%	0	0.00%	0.00%	2822	74.64%	76.91%	847	65.85%	23.09%	
Hispanic/Latino	1217	24.02%	0	0.00%	0.00%	817	21.61%	67.13%	400	31.10%	32.87%	
Black	109	2.15%	0	0.00%	0.00%	77	2.04%	70.64%	32	2.49%	29.36%	
Asian/Pacific Islander	65	1.28%	0	0.00%	0.00%	58	1.53%	89.23%	7	0.54%	10.77%	
Alaska native/American Indian	7	0.14%	0	0.00%	0.00%	7	0.19%	100.00%	0	0.00%	0.00%	
Total	5067	100.00%	0	0.00%	0.00%	3781	100.00%	74.62%	1286	100.00%	25.38%	
Gender												
Male	3373	66.57%	0	0.00%	0.00%	2481	65.62%	73.55%	892	69.36%	26.45%	
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Total	5067	100.00%	0	0.00%	0.00%	3781	100.00%	74.62%	1286	100.00%	25.38%	
Residential Status												
Resident	2490	49.14%	0	0.00%	0.00%	1771	46.84%	71.12%	719	55.91%	28.88%	
Non-Resident	2577	50.86%	0	0.00%	0.00%	2010	53.16%	78.00%	567	44.09%	22.00%	
Total	5067	100.00%	0	0.00%	0.00%	3781	100.00%	74.62%	1286	100.00%	25.38%	

Appendix C

A p p e n d i x D

Racial Profiling Report | Full

Reporting Date: 01/16/2020

Agency Name: ROCKPORT POLICE DEPT.
TCOLE Agency Number: 007203

Chief Administrator: GREGORY W. STEVENS

Agency Contact Information:
Phone: (361) 790-1100
Email: gstevens@cityofrockport.com

Mailing Address:
714 EAST CONCHO
ROCKPORT, TX 78382

This Agency filed a full report

ROCKPORT POLICE DEPT. has adopted a detailed written policy on racial profiling. Our policy:

- 1.) clearly defines acts constituting racial profiling;
- 2.) strictly prohibit peace officers employed by the ROCKPORT POLICE DEPT. from engaging in racial profiling;
- 3.) implements a process by which an individual may file a complaint with the ROCKPORT POLICE DEPT. if the individual believes that a peace officer employed by the ROCKPORT POLICE DEPT. 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 ROCKPORT POLICE DEPT. who, after an investigation, is shown to have engaged in racial profiling in violation of the ROCKPORT POLICE DEPT. 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 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: Nikki Yarnall, Admin Coordinator

Date: 01/16/2020

Total stops: 5067

Gender

Female	1694
Male	3373

Race / Ethnicity

Black	109
Asian / Pacific Islander	65
Hispanic / Latino	3669
White	1217
Alaska Native / American	7

Was race or ethnicity known prior to stop?

Yes	14
No	5053

Reason for stop?

Violation of law	297
Preeexisting knowledge	0
Moving traffic violation	2803
Vehicle traffic violation	1967

Street address or approximate location of the stop

City street	4439
US highway	0
County road	0
State highway	581
Private property or other	47

Was a search conducted?

Yes	216
No	4851

Reason for Search?

consent	41
contraband	4
probable	119
inventory	0

ncident to arrest	52
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Was Contraband discovered?

Yes	45
No	171

Description of contraband

Drugs	45
Currency	0
Weapons	0
Alcohol	0
Stolen property	0
Other	0

Result of the stop

Verbal warning	0
Written warning	3781
Citation	1286
Written warning and arrest	0
Citation and arrest	0
Arrest	10

Arrest based on

Violation of Penal Code	7
Violation of Traffic Law	0
Violation of City Ordinance	0
Outstanding Warrant	3

Was physical force resulting in bodily injury used during stop?

Yes	0
No	5067

Submitted electronically to the



**The Texas Commission on Law
Enforcement**