

# WEATHERFORD POLICE DEPARTMENT

2020

## RACIAL PROFILING ANALYSIS

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## Executive Summary

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

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

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

- **A COMPREHENSIVE REVIEW OF THE WEATHERFORD POLICE DEPARTMENT REGULATIONS, SPECIFICALLY POLICY 401 OUTLINING THE DEPARTMENT’S POLICY CONCERNING BIAS-BASED PROFILING, SHOWS THAT THE WEATHERFORD 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 WEATHERFORD POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH TEXAS LAW ON TRAINING AND EDUCATION REGARDING RACIAL PROFILING.**
- **A REVIEW OF THE DOCUMENTATION PRODUCED BY THE DEPARTMENT IN BOTH PRINT AND ELECTRONIC FORM REVEALS THAT THE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW ON THE RACIAL PROFILING COMPLAINT PROCESS AND PUBLIC EDUCATION ABOUT THE COMPLAINT PROCESS.**
- **ANALYSIS OF THE DATA REVEALS THAT THE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW ON THE COLLECTION OF RACIAL PROFILING DATA.**
- **THE WEATHERFORD POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW CONCERNING THE REPORTING OF INFORMATION TO TCOLE.**

- **THE WEATHERFORD POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW REGARDING CCP ARTICLES 2.132-2.134.**

## **Introduction**

This report details an analysis of the Weatherford Police Department's policies, training, and statistical information on racial profiling for the year 2020. This report has been prepared to specifically comply with Article 2.132, 2.133, and 2.134 of the Texas Code of Criminal Procedure (CCP) regarding the compilation and analysis of traffic stop data. Specifically, the analysis will address Articles 2.131 – 2.134 of the CCP and make a determination of the level of compliance with those articles by the Weatherford Police Department in 2020. The full copies of the applicable laws pertaining to this report are contained in Appendix A.

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

For the purposes of this report and analysis, the following definition of racial profiling is used: racial profiling means a law enforcement-initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity (Texas CCP Article 3.05).

## **Weatherford Police Department Policy on Racial Profiling**

A review of Weatherford Police Department Policy 401 "Bias-Based Policing" revealed that the department has adopted policies to be in compliance with Article 2.132 of the Texas CCP (see Appendix B). There are seven specific requirements mandated by Article 2.132 that a law enforcement agency must address. All seven are covered in Policy 401. Weatherford Police Department regulations provide clear direction that any form of bias-based profiling is strictly prohibited and that officers found engaging in inappropriate profiling will be dealt with in accordance with the agency's Personnel Complaints Policy. The regulations also provide a very clear statement of the agency's philosophy regarding equal treatment of all persons regardless of race or ethnicity. Appendix C lists the applicable statute and corresponding Weatherford Police Department regulation.

***A COMPREHENSIVE REVIEW OF WEATHERFORD POLICE DEPARTMENT POLICY 401 SHOWS THAT THE WEATHERFORD POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH ARTICLE 2.132 OF THE TEXAS CODE OF CRIMINAL PROCEDURE.***

## **Weatherford Police Department Training and Education on Racial Profiling**

Texas Occupation Code § 1701.253 and § 1701.402 require that curriculum be established and training certificates issued on racial profiling for all Texas Peace officers. Documentation provided by Weatherford Police Department reveals that all officers have received bias-based/racial profiling training. In addition, all officers receive intermittent training on the Bias-Based Policing Policy throughout the year by use of Daily Training Bulletins administered through Lexipol.

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

## **Weatherford Police Department Complaint Process and Public Education on Racial Profiling**

Article 2.132 §(b)3-4 of the Texas Code of Criminal Procedure requires that law enforcement agencies implement a complaint process on racial profiling and that the agency provide public education on the complaint process. Weatherford Police Department Policy 401, Section 401.8, covers this requirement. In addition, information concerning the complaint or complaint process for all complaints, including those based on racial bias, can be found on the departmental website (<https://ci.weatherford.tx.us/1501/Racial-Profiling-Perfil-Racial-Complaint>) or by sending an email to [police@weatherfordtx.gov](mailto:police@weatherfordtx.gov). This information is printed on all copies of citations and written warnings and is provided to citizens during a traffic contact. The department has also prepared a brochure on the complaint process, and this information is provided to citizens during a traffic contact that results in a verbal warning.

***A REVIEW OF THE DOCUMENTATION PRODUCED BY THE DEPARTMENT IN BOTH PRINT AND ELECTRONIC FORM REVEALS THAT THE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW ON THE RACIAL PROFILING COMPLAINT PROCESS AND PUBLIC EDUCATION ABOUT THE COMPLAINT PROCESS.***

## **Weatherford Police Department Statistical Data on Racial Profiling**

Article 2.132(b) 6 and Article 2.133 requires that law enforcement agencies collect statistical information on motor vehicle stops in which a ticket, citation, or warning was issued and to arrests made as a result of those stops, in addition to other information noted previously. Weatherford Police Department submitted statistical information on all motor vehicle stops in 2020 and accompanying information on the race/ethnicity of the person stopped. Accompanying this data was the relevant information required to be collected and reported by law.

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

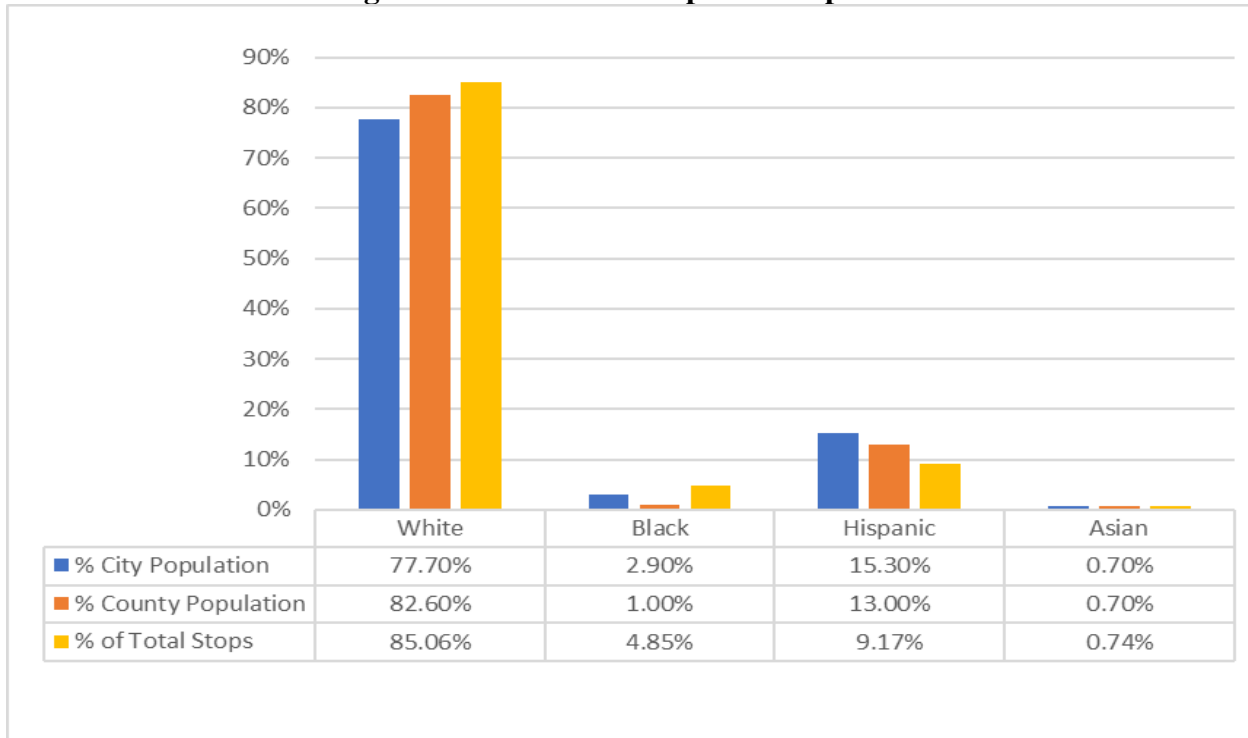
### **Analysis of the Data**

#### Comparative Analysis #1:

*Evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities. Texas Code of Criminal Procedure Article 2.134(c)(1)(A)*

The first chart depicts the percentages of people stopped by race/ethnicity among the total 6,357 motor vehicle stops in which a ticket, citation, or warning was issued, including arrests made, in 2020.<sup>1</sup>

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



*White drivers* constituted 85.06 percent of all drivers stopped, whereas Whites constitute 77.70 percent of the city population and 82.60 percent of the county population.<sup>2</sup>

*Black drivers* constituted 4.85 percent of all drivers stopped, whereas Blacks constitute 2.90 percent of the city population and 1.00 percent of the county population.

*Hispanic drivers* constituted 9.17 percent of all drivers stopped, whereas Hispanics constitute 15.30 percent of the city population and 13.00 percent of the county population.

*Asian drivers* constituted 0.74 percent of all drivers stopped, whereas Asians constitute 0.70 percent of the city population and 0.70 percent of the county population.

The chart shows that White drivers are stopped at rates higher than the percentage of Whites found in the city and county population. Black drivers are stopped at rates higher than the percentage of Blacks found in the city and county population. Hispanic drivers are stopped at rates lower than the percentage of Hispanics found in the city and county population. Asian

<sup>1</sup> There were 12 motor vehicle stops of drivers considered Alaska Native/American Indian. These motor vehicle stops were not charted in the first figure of this report due to the small number of cases relative to the population in Weatherford and relative to the total number of motor vehicle stops among all drivers (6,357).

<sup>2</sup> City and County populations were derived from 2019 American Community Survey (ACS) estimates of the U.S. Census Bureau.

drivers are stopped at rates roughly equal to the percentage of Asians found in the city and county population.

### Methodological Issues

*Upon examination of the data, it is important to note that differences in overall stop rates of a particular racial or ethnic group, compared to that racial or ethnic group's proportion of the population, cannot be used to make determinations that officers have or have not racially profiled any given individual motorist. Claims asserting racial profiling of an individual motorist from the aggregate data utilized in this report are erroneous.*

For example, concluding that a particular driver of a specific race/ethnicity was racially profiled simply because members of that particular racial/ethnic group as a whole were stopped at a higher rate than their proportion of the population—are as erroneous as claims that a particular driver of a specific race/ethnicity could NOT have been racially profiled simply because the percentage of stops among members of a particular racial/ethnic group as a whole were stopped at a lower frequency than that group's proportion of the particular population base (e.g., city or county population). In short, aggregate data as required by law and presented in this report cannot be used to prove or disprove that a member of a particular racial/ethnic group was racially profiled. Next, we discuss the reasons why using aggregate data—as currently required by the state racial profiling law—are inappropriate to use in making claims that any individual motorist was racially profiled.

#### Issue #1: Using Group-Level Data to Explain Individual Officer Decisions

The law dictates that police agencies compile aggregate-level data regarding the *rates* at which agencies *collectively* stop motorists in terms of their race/ethnicity. These aggregated data are to be subsequently analyzed in order to determine whether or not *individual* officers are “racially profiling” motorists. This methodological error, commonly referred to as the “ecological fallacy,” defines the dangers involved in making assertions about individual officer decisions based on the examination of aggregate stop data. **In short, one cannot prove that an individual officer has racially profiled any individual motorist based on the rate at which a department stops any given group of motorists.** In sum, aggregate level data cannot be used to assess individual officer decisions, but the state racial profiling law requires this assessment.

#### Issue #2: Problems Associated with Population Base-Rates

There has been considerable debate as to what the most appropriate population “base-rate” is in determining whether or not racial/ethnic disparities exist. The base-rate serves as the benchmark for comparison purposes. The outcome of analyses designed to determine whether or not disparities exist is dependent on which base-rate is used. While this report utilized the most recent 2019 ACS as a population base-rate, this population measure can become quickly outdated, can be inaccurate, and may not keep pace with changes experienced in city and county population measures.

In addition, the validity of the benchmark base-rate becomes even more problematic if analyses fail to distinguish between residents and non-residents who are stopped. This is because the existence of significant proportions of non-resident stops will lead to invalid conclusions if

racial/ethnic comparisons are made exclusively to resident population figures. **In sum, a valid measure of the driving population does not exist. As a proxy, census data is used which is problematic as an indicator of the driving population.** In addition, stopped motorists who are not residents of the city or county where the motor vehicle stop occurred are not included in the benchmark base-rate.

In short, the methodological problems outlined above point to the limited utility of using aggregate level comparisons of the rates at which different racial/ethnic groups are stopped in order to determine whether or not racial profiling exists within a given jurisdiction.

Table 1 reports the summaries for the total number of motor vehicle stops in which a ticket, citation, or warning was issued, and to arrests made as a result of those stops, by the Weatherford Police Department in 2020. Table 1 and associated analyses are utilized to satisfy the comparative analyses as required by Texas law, and in specific, Article 2.134 of the CCP.

Comparative Analysis #2:

*Examine the disposition of motor vehicle stops made by officers employed by the agency, categorized according to the race or ethnicity of affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction. Texas Code of Criminal Procedure Article 2.134(c)(1)(B)*

As shown in Table 1, there were a total of 6,357 motor vehicle stops in 2020 in which a ticket, citation, or warning was issued. The table also shows arrests made as a result of those stops. Roughly 66 percent of stops resulted in a verbal warning and roughly 18 percent resulted in a citation. These actions accounted for roughly 84 percent of all stop actions and will be the focus of the below discussion.

Specific to **verbal warnings**, White motorists received a verbal warning in roughly 66 percent of stops involving White motorists (3,576/5,407), Black motorists received a verbal warning in roughly 64 percent of stops of Black motorists, Hispanic motorists received a verbal warning in roughly 69 percent of stops of Hispanic motorists, and Asian motorists received a verbal warning in roughly 60 percent of stops of Asian motorists.

White motorists received a **citation** in roughly 17 percent of stops involving White motorists (907/5,407), Black motorists received a citation in roughly 24 percent of stops of Black motorists, Hispanic motorists received a citation in roughly 21 percent of stops of Hispanic motorists, and Asian motorists received a citation in roughly 23 percent of stops of Asian motorists.

Finally, of the 6,357 total stops, 270 **arrests** were made [written warning and arrest (6), citation and arrest (92), and arrest (172)], and this accounts for roughly 4 percent of all stops. Combining the three categories of arrest, White motorists were arrested in roughly 4 percent of stops involving White motorists (224/5,407), Black motorists were arrested in roughly 6 percent of stops involving Black motorists, Hispanics were arrested in roughly 4 percent of stops involving Hispanic motorists, Asian motorists were arrested in roughly 2 percent of stops of Asian



motorists (one total arrest), and no Alaska Native/American Indian motorists received an outcome of an arrest as the result of a stop.

As illustrated in Table 1, most arrests were based on a **violation of the penal code** (79.63%; 215/270).

Finally, as presented in Table 1, **physical force resulting in bodily injury** was not used in 2020. Of the 6,357 total stops, no stops involved physical force resulting in bodily injury.

**Table 1: Traffic Stops and Outcomes by Race/Ethnicity**

Stop Table	White	Black	Hispanic /Latino	Asian /Pacific Islander	Alaska Native /American Indian	Total
Number of Stops	5,407	308	583	47	12	6,357
<b>Gender</b>						
Female	2,192	92	174	15	5	2,478
Male	3,215	216	409	32	7	3,879
<b>Reason for Stop</b>						
Violation of Law	184	15	20	2	0	221
Preexisting Knowledge	163	10	13	0	0	186
Moving Traffic Violation	3,024	174	336	30	7	3,571
Vehicle Traffic Violation	2,036	109	214	15	5	2,379
<b>Result of Stop</b>						
Verbal Warning	3,576	196	402	28	11	4,213
Written Warning	700	18	34	7	1	760
Citation	907	74	122	11	0	1,114
Written Warning and Arrest	4	1	1	0	0	6
Citation and Arrest	78	8	6	0	0	92
Arrest	142	11	18	1	0	172
<b>Arrest Based On</b>						
Violation of Penal Code	178	15	21	1	0	215
Violation of Traffic Law	21	2	2	0	0	25
Violation of City Ordinance	0	0	0	0	0	0
Outstanding Warrant	25	3	2	0	0	30
<b>Physical Force Resulting in Bodily Injury Used?</b>						
No	5,407	308	583	47	12	6,357
Yes	0	0	0	0	0	0

Comparative Analysis #3:

*Evaluate and compare the number of searches resulting from motor vehicle stops within the applicable jurisdiction and whether contraband or other evidence was discovered in the course of those searches. Texas Code of Criminal Procedure Article 2.134(c)(1)(C)*

In 2020, a total of 535 **searches** of motorists were conducted, or roughly 8 percent of all stops (535/6,357) resulted in a search (see Table 2). Among searches within each racial/ethnic group, White motorists were searched in roughly 8 percent of all stops of White motorists (440/5,407), Black motorists were searched in roughly 13 percent of all stops of Black motorists, Hispanic motorists were searched in roughly 9 percent of all stops of Hispanic motorists, and Asian motorists were searched in roughly 4 percent of all stops of Asian motorists.

Regarding searches, it should be further noted that 220 searches (see Table 2) were based on consent, which are regarded as discretionary as opposed to non-discretionary searches. Relative to the total number of stops (6,357), discretionary consent searches occurred in roughly 3 percent of stops. Among **consent searches** within each racial/ethnic group, White motorists were searched based on consent in roughly 43 percent of all searches of White motorists (189/440), Black motorists were searched based on consent in roughly 23 percent of all searches of Black motorists, Hispanic motorists were searched based on consent in roughly 39 percent of all searches of Hispanic motorists, and Asian motorists were searched based on consent in 50 percent of all searches of Asian motorists (1 consent search out of 2 total searches).

Of the searches that occurred in 2020, and as shown in Table 2, **contraband was discovered** in 223 or roughly 42 percent of all searches (223/535 total searches). Among the searches in which contraband was discovered, roughly 56 percent of the time the contraband discovered was drugs (125/223). Finally, as illustrated in Table 2, when contraband was discovered, motorists were arrested roughly 50% of the time (112/223).

**Table 2: Searches and Outcomes by Race/Ethnicity**

Search Table	White	Black	Hispanic /Latino	Asian /Pacific Islander	Alaska Native /American Indian	Total
<b>Search Conducted</b>						
Yes	440	39	54	2	0	535
No	4,967	269	529	45	12	5,822
<b>Reason for Search</b>						
Consent	189	9	21	1	0	220
Contraband in Plain View	17	2	1	0	0	20
Probable Cause	110	17	21	0	0	148
Inventory	35	4	3	1	0	43
Incident to Arrest	89	7	8	0	0	104
<b>Was Contraband Discovered</b>						
Yes	173	21	29	0	0	223
No	267	18	25	2	0	312
<b>Description of Contraband</b>						
Drugs	104	11	10	0	0	125
Weapons	5	0	0	0	0	5
Currency	0	0	0	0	0	0
Alcohol	25	2	14	0	0	41
Stolen Property	2	1	0	0	0	3
Other	37	7	5	0	0	49
<b>Did Discovery of Contraband Result in Arrest?</b>						
Yes	89	9	14	0	0	112
No	84	12	15	0	0	111

**Comparative Analysis #4:**

*Information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling. Texas Code of Criminal Procedure Article 2.134(c)(2)*

In 2020, internal records indicate that the Weatherford Police Department received no complaints alleging that a peace officer employed by the agency engaged in racial profiling.

Additional Analysis:

*Statistical analysis of motor vehicle stops relative to the gender population of the agency's reporting area.* This analysis is presented in the report based on a December 2020 email sent from TCOLE to law enforcement executives in Texas.

In 2020, 6,357 motor vehicle stops were made by the Weatherford Police Department. Of these stops, 2,478 or roughly 39 percent were female drivers (2,478/6,357), and roughly 61 percent were male drivers (see Table 1).

According to 2019 American Community Survey (ACS) city and county population estimates of the U.S. Census Bureau, the City of Weatherford was composed of 52 percent females and 48 percent males. County population 2019 ACS estimates indicate that females accounted for 50.3 percent of the county population and males accounted for 49.7 percent of the county population.

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

### **Additional Information Required to be Reported to TCOLE**

Tables 3 below provides additional information relative to motor vehicle stops in 2020 by the Weatherford Police Department. The data are required to be collected by the Weatherford Police Department under the Texas Code of Criminal Procedure Article 2.133.

As illustrated in Table 3, of the 6,357 motor vehicle stops in 2020, the officer knew the race/ethnicity of the motorist prior to the stop in 4.72% of the stops (300/6,357). This percentage is consistent across law enforcement agencies throughout Texas. An analysis of all annual racial profiling reports submitted to the Texas Commission on Law Enforcement, as required by the Texas racial profiling law, found that in 2.9% of the traffic stops in Texas, the officer knew the race/ethnicity of the motorist prior to the stop.<sup>3</sup> The analysis included 1,186 Texas law enforcement agencies and more than 3.25 million traffic stops.

As noted, the legal definition of racial profiling in the Texas Code of Criminal Procedure Article 3.05 is “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.”

Almost always, Weatherford PD officers do not know the race/ethnicity of the motorist prior to the stop. This factor further invalidates any conclusions drawn from the stop data presented in Chart 1. If an officer does not know the race/ethnicity of the motorist prior to the stop, then the officer cannot, by legal definition, be racial profiling. Racial profiling is a law-enforcement action based on the race/ethnicity of an individual. If the officer does not know the person's race/ethnicity before the action (in this case, stopping a vehicle), then racial profiling cannot occur.

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<sup>3</sup> Winkler, Jordan M. (2016). *Racial Disparity in Traffic Stops: An Analysis of Racial Profiling Data in Texas*. Master's Thesis. University of North Texas.

Based on this factor, post-stop outcomes are more relevant for a racial profiling assessment, as presented throughout this report, in comparison to initial motor vehicle stop data disaggregated by race/ethnicity. Once the officer has contacted the motorist after the stop, the officer has identified the person’s race/ethnicity and all subsequent actions are more relevant to a racial profiling assessment than the initial stop data.

**Table 3: Additional Information**

<b>Additional Information</b>	<b>Total</b>
<b>Was Race/Ethnicity Known Prior to Stop</b>	
Yes	300
No	6,057
<b>Approximate Location of Stop</b>	
City Street	5,500
US Highway	786
County Road	8
State Highway	0
Private Property/Other	63
<b>Number of Complaints of Racial Profiling</b>	<b>0</b>
Resulted in Disciplinary Action	0
Did Not Result in Disciplinary Action	0

### **Analysis of Racial Profiling Compliance by Weatherford Police Department**

The foregoing analysis shows that the Weatherford Police Department is fully in compliance with all relevant Texas laws concerning racial profiling, including the existence of a formal policy prohibiting racial profiling by its officers, officer training and educational programs, a formalized complaint process, and the collection and reporting of data in compliance with the law.

In addition to providing summary reports and analysis of the data collected by the Weatherford Police Department in 2020, this report also included an extensive presentation of some of the limitations involved in the level of data collection currently required by law and the methodological problems associated with analyzing such data for the Weatherford Police Department as well as police agencies across Texas.

# **Appendix A: Racial Profiling Statutes and Laws**

## **Texas Racial Profiling Statutes**

### **Art. 3.05. RACIAL PROFILING.**

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

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

### **Art. 2.131. RACIAL PROFILING PROHIBITED.**

A peace officer may not engage in racial profiling.

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

### **Art. 2.132. LAW ENFORCEMENT POLICY ON RACIAL PROFILING.**

(a) In this article:

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

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

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

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

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

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



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

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

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

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

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

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

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

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

(E) the location of the stop; and

(F) the reason for the stop; and

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

(A) the Texas Commission on Law Enforcement; and

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

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

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

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

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

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

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

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

Amended by:

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

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

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

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

**Art. 2.133. REPORTS REQUIRED FOR MOTOR VEHICLE STOPS.**

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

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

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

(A) the person's gender; and

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

(2) the initial reason for the stop;

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

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

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

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

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

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

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

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

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

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

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

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

Amended by:

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

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

**Art. 2.134. COMPILATION AND ANALYSIS OF INFORMATION COLLECTED.**

(a) In this article:

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

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

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

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

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

(A) evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities;

(B) examine the disposition of motor vehicle stops made by officers employed by the agency,

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

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

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

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

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

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

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

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

Amended by:

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

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

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

**Art. 2.136. LIABILITY.**

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

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

**Art. 2.137. PROVISION OF FUNDING OR EQUIPMENT.**

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

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

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

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

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

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

Amended by:

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

**Art. 2.138. RULES.**

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

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

**Art. 2.1385. CIVIL PENALTY.**

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

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

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

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

Amended by:

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

# **Appendix B: Agency Policy**



## Bias-Based Policing

### 401.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the Weatherford Police Department's commitment to policing that is fair and objective.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach and partnerships).

#### 401.1.1 DEFINITIONS

Definitions related to this policy include:

**Bias-based policing** - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement (Tex. Code of Crim. Pro. art. 3.05).

### 401.2 POLICY

The Weatherford Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

### 401.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

### 401.4 MEMBER RESPONSIBILITIES

Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any bias-based actions by another member.

#### 401.4.1 REASON FOR CONTACT

Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

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To the extent that written documentation would otherwise be completed (e.g., arrest report, field interview (FI) card), the involved officer should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

#### **401.4.2 REPORTING TRAFFIC STOPS**

The Support Services Commander should ensure that the Department has appropriate systems in place to collect information required by state racial profiling laws (Tex. Code of Crim. Pro. art. 2.132 (Tier One); Tex. Code of Crim. Pro. art. 2.133 (Tier Two)).

Each time an officer makes a traffic stop, the officer shall gather the required information using the system in place for racial profiling reporting.

#### **401.5 SUPERVISOR RESPONSIBILITIES**

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

- (a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.
  - 1. Supervisors should document these discussions, in the prescribed manner.
- (b) Supervisors should periodically review Mobile Audio/Video (MAV) recordings, portable audio/video recordings, Mobile Data Computer (MDC) data and any other available resource used to document contact between officers and the public to ensure compliance with this policy.
  - 1. Supervisors should document these periodic reviews.
  - 2. Recordings or data that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.
- (c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.
- (d) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning bias-based policing.
- (e) At least once every six months a supervisory review of three random videos per officer will be made to ensure an understanding of the officer's performance and adherence to biased based policing policy..

#### **401.6 STATE REPORTING**

The Chief of Police shall annually submit a report of the information required in Tex. Code of Crim. Pro. art. 2.132 to the Texas Commission on Law Enforcement (TCOLE) and to each governing body served by the Department.

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### *Bias-Based Policing*

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The Chief of Police shall also provide to TCOLE and each governing body served by the Department a report containing an analysis of the information required by Tex. Code of Crim. Pro. art. 2.133. The report must be submitted by March 1 of each year (Tex. Code of Crim. Pro. art. 2.134).

The reports may not include identifying information about any officer who made the traffic stop or about any individual who was stopped or arrested (Tex. Code of Crim. Pro. art. 2.132; Tex. Code of Crim. Pro. art. 2.134).

#### **401.7 ADMINISTRATION**

The Chief of Police's designee should review the efforts of the Department to provide fair and objective policing and submit an annual report, including public concerns and complaints, to the Chief of Police. The annual report should not contain any identifying information about any specific complaint, member of the public or officer. It should be reviewed by the Chief of Police to identify any changes in training or operations that should be made to improve service (Tex. Code of Crim. Pro. art. 2.132).

Supervisors should review the report submitted to TCOLE and the governing body and the annual report and discuss the results with those they are assigned to supervise.

#### **401.8 COMPLIMENTS AND COMPLAINTS**

The Community Services Commander is responsible for educating the public on the Department's compliment and complaint process (see the Personnel Complaints Policy). This education may be achieved by information provided through the Department website. This information shall include the telephone number, mailing address and e-mail address to make a compliment or complaint regarding a ticket, citation or warning issued by an officer.

In the event that an investigation is initiated against an officer for a violation of this policy, the Patrol Division Commander should ensure that a copy of any related recording is provided as soon as practicable to the officer upon written request (Tex. Code of Crim. Pro. art. 2.132).

#### **401.9 TRAINING**

Training on fair and objective policing and review of this policy should be conducted as directed by the Training Manager or designee. Training will be conducted at least every two years in accordance with Texas Law and TCOLE standards.

# Our Duty

Our officers, along with all of our staff here at the Weatherford Police Department are dedicated to serving our community with the highest professional standards of honesty, integrity and professionalism. The Weatherford Police Department holds the preservation of life as our most sacred duty.

We continually strive to provide the best customer service possible and build partnerships with individuals and groups to remove and reduce crime in our community.

We recognize that our mission is to enforce the laws of society and we are committed to serving everyone in a fair and impartial manner. Every officer in our agency will honor their police powers and be mindful of the fact they are derived from the people we serve. We will never tolerate abuse of authority and will honor and uphold the public trust and constitutional rights of every citizen.

In closing, let me assure every citizen that we remain committed to provide the best customer service possible and will always remain accountable to those we serve.

*Lance Arnold*  
*Chief of Police*

## MISSION STATEMENT

The Weatherford Police Department is directed to protect life and property, preserve law and order and enforce our society's laws and ordinances. It is our mission to create a high quality of life and provide a safe, secure and sanitary environment for the citizens of this community. Our goal shall be to make the City of Weatherford a safer and better city in which to live, work and play.

## PHONE

817-598-4310

## FAX

817-598-4480

## E-MAIL

[police@weatherfordtx.gov](mailto:police@weatherfordtx.gov)

## WEBSITE

[www.weatherfordtx.gov/police](http://www.weatherfordtx.gov/police)

## ADDRESS

Weatherford Police Department  
801 Santa Fe Drive  
Weatherford, TX 76086

# Weatherford Police Department



# Citizen Contact Information

**"Our citizens are our  
greatest resource"**

# Citizen Information

## Introduction

We are always interested in the feedback and welfare of every person we encounter. Therefore we have created this brochure for you, as a citizen that has been contacted by one of our officers in an official capacity. This brochure is developed to inform you of our internal processes on how to commend an officer for a job well done, as well as our complaint procedures for you to report unprofessional behavior.

Our goal is to maintain the highest professional standards for all of our personnel and conduct our duties with honor, integrity and respect. In addition, we will always strive to hold our personnel accountable when those standards are not met.

## Commendation Procedures

Too often we only hear of the negative actions of police officers locally and around the country. We encourage all of our citizens to provide us feedback of outstanding customer service experiences and positive interactions with our officers. Therefore, if you wish to commend one of our officers or anyone in our agency, you can contact us by phone, email or fax at the numbers or email address listed on the front of this brochure.

## Complaint Procedures

Should your interaction with one of our officers result in an action you interpret as unprofessional behavior or disparate treatment, there are several ways you can file a complaint with our agency.

There is a specific police complaint procedure packet, in addition to this brochure, that will be provided to you should you wish to file a formal complaint.

- You can contact the agency directly and speak to an on-duty supervisor. They will meet with you at the police department in person, by phone, or at your local residence or business.
- You can also email in your request to file a formal complaint via email at [police@weatherfordtx.gov](mailto:police@weatherfordtx.gov) and our Professional Standards Sergeant or the first available supervisor will contact you to explain the process.
- If you do not wish to talk to anyone in person, you can go directly to our Police Department website located at [www.weatherfordtx.gov/police](http://www.weatherfordtx.gov/police) and go to "Complaint Procedures." There you can follow the step by step guide on how to file a formal complaint.
- If you do not have access to a computer or do not wish to talk to anyone in person, you may call any supervisor by phone and they will make arrangements to mail you a complaint packet.

## Legislative information required for cited drivers

### Transportation Code Sec 601.191(e):

For any charge on this citation for "fail to maintain financial responsibility", the issuing officer affirms that he/she was unable at the time of the issuance of this citation to verify financial responsibility for the vehicle identified in this citation through the verification program established under Subchapter N of the Texas Motor Vehicle Safety Responsibility Act.

### Texas CCP Art. 14.06(b):

The punishment for the offense(s) with which you are charged by this citation is assessment of a fine(s) and costs. If you are convicted of an offense(s) and ordered to pay a fine and costs and you are unable to pay that fine and costs, notify the court immediately. If you are determined by the court to have insufficient resources or income to pay the fine and costs, the court is required to provide you other ways to discharge the fine and costs.

If you are convicted of a misdemeanor offense involving violence where you are or were a spouse, intimate partner, parent, or guardian of the victim or are or were involved in another, similar relationship with the victim, it may be unlawful for you to possess or purchase a firearm, including a handgun or long gun, or ammunition, pursuant to federal law under 18 U.S.C. Section 922(g)(9) or Section 46.04(b), Texas Penal Code. If you have any questions whether these laws make it illegal for you to possess or purchase a firearm, you should consult an attorney. "

# Appendix C: Racial Profiling Laws and Corresponding Standard Operating Procedures

<b>Texas CCP Article</b>	<b>WEATHERFORD POLICE DEPARTMENT Policy 401 Bias-Based Policing</b>
2.132(b)1	Definitions Section
2.132(b)2	Bias-Based Policing Prohibited Section
2.132(b)3	Compliments and Complaints Section
2.132(b)4	Compliments and Complaints Section
2.132(b)5	Supervisor Responsibilities Section
2.132(b)6	Reporting Traffic Stops Section
2.132(b)7	State Reporting Section