



# CELINA POLICE DEPARTMENT

To: Honorable Mayor, Sean Terry  
Celina City Council  
Mike Forman, City Manager

## MEMORANDUM

From: Mark Metdker, Chief of Police

Subject: Racial Profiling Report 2015

Date: January 12<sup>th</sup>, 2016

The Celina Police Department, in accordance with the Texas Racial Profiling Law, has been collecting police contact data for the purpose of identifying and responding (if necessary) to concerns regarding racial profiling practices. The law also requires that the police department submit to their governing body (city council), an annual report of the information collected. The purpose of this annual report is to provide statistical data and analysis for a year's worth of traffic and pedestrian stop data covering the period of January 1, 2015 through December 31, 2015. To accomplish this, this report will focus upon the following topics:

1. How the traffic and pedestrian stop data was collected.
2. An overview of the racial/ethnic data collected.
3. An analysis of what the department believes the statistics mean, as well as what the department has learned from the data.
4. Recommendations addressing issues of concern

### **How the Traffic and Pedestrian Stop Data Was Collected**

The Texas Racial Profiling Law mandated collection of information relating to traffic and pedestrian stops in which a citation is issued and also arrests resulting from those stops. The data (called Tier 1 data) would include:

1. The race or ethnicity of the individual detained.
2. Whether a search was conducted.
3. Whether the search was consensual.
4. Whether the officer knew the race or ethnicity of the individual detained before detaining that individual.

In 2009, the legislature created law that requires law enforcement agencies to begin collecting data on persons of Middle Eastern decent and report those findings along with other races or ethnicities.

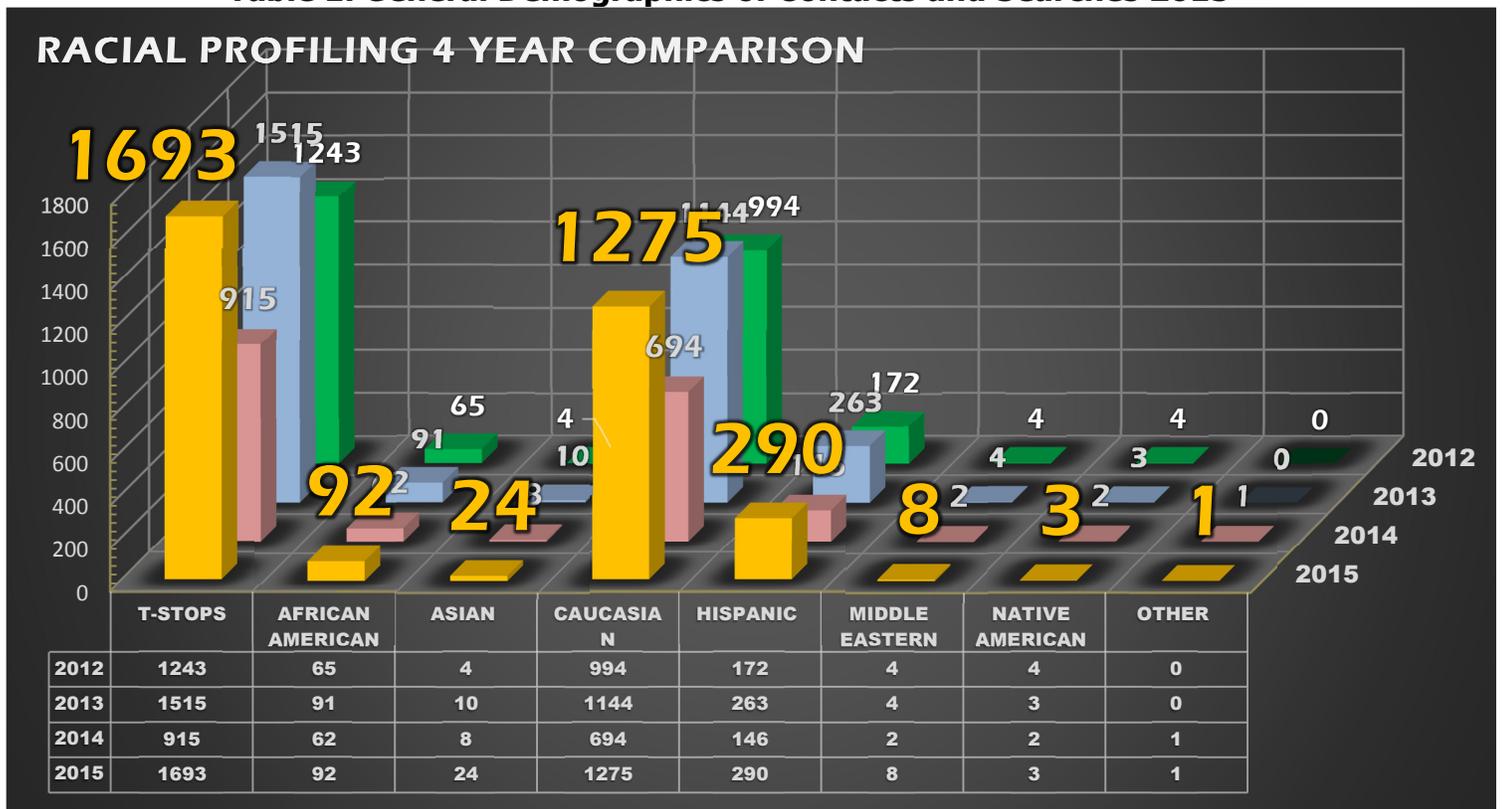
Table 1 contains the information collected from traffic and pedestrian stops in 2015 where a citation was issued or a citation and arrest was made. Assignment of race and/or ethnicity to a category is either stated by the stopped person or determined by the officer to best of his ability. A consensual search is

determined by a request from the officer to conduct a search. The person stopped is under no obligation to consent to the search. If they do not consent, then the officer must have probable cause for the search. This would include, inventory of vehicle after an arrest, or other probable cause for searches without a warrant.

Table 1 reads, for example, that we stopped and cited a total of 1693 persons with 1275 of them being Caucasians. This accounted for 75.1% of all persons cited or arrested. Of the 1693 only 6.44% of them were searched and 44.04% of the searches were consensual. The rest were non-consensual, meaning there was probable cause to conduct a search.

Race/Ethnicity*	Citations		Searches		Consensual Searches		Probable Cause		Custody Arrest	
	#	%	#	%	#	%	#	%	#	%
Caucasian	1275	75.1%	82	75.2%	34	70.8%	39	81.3%	9	69.2%
African	92	5.6%	3	2.8%	1	2.1%	2	4.2%	0	0.0%
Hispanic	290	17.2%	20	18.3%	11	22.9%	5	10.4%	4	30.8%
Asian	24	1.4%	1	0.9%	1	2.1%	0	0.0%	0	0.0%
Native American	3	0.2%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Middle Eastern	8	0.5%	2	1.8%	1	2.1%	1	2.1%	0	0.0%
Other	1	0.1%	1	0.9%	0	0.0%	1	2.1%	0	0.0%
<b>Total</b>	<b>1693</b>		<b>109</b>	<b>100.0%</b>	<b>48</b>	<b>100.0%</b>	<b>48</b>	<b>100.0%</b>	<b>13</b>	<b>100.0%</b>

**Table 1. General Demographics of Contacts and Searches 2015**



## **Department's Analysis of the Data/Lessons Learned**

This is the 12th year that this report is required. Agencies across the state are still determining the best and most accurate means of capturing, reporting, and comparing data to achieve meaningful analysis. The data presented in this report contains valuable information regarding police contacts with the public between 1/1/15 and 12/31/15. Despite its value, the raw data does not present much information relevant to racial profiling trends. The question begging an answer is 'what do you compare the data to?' The experts in this field identify two sources. One is census data for our community and the second is DPS data for licensed drivers in our community. Both sources present challenges to any effort made at establishing a fair and accurate analysis. Census data contains information of all residents of a particular community, regardless of the fact they may or may not be among the driving population. Census data is also outdated especially for our city that is growing at a fast rate. DPS data is only available sorted by zip code and 75009 contains driver information for persons living outside the city. DPS data, at least, identifies those persons who ought to be driving in Celina, but certainly cannot account for drivers coming here to work, shop or just passing through. Both of these data integrity issues have a tendency of inflating the overall figures; thus, providing an inaccurate representation of police contacts with the public.

In conclusion, the findings suggest that the Celina Police Department does not currently experience a problem regarding racial profiling practices. There have been 0 complaints of racial profiling from the public. The continuing effort to collect police contact data will enable an on-going evaluation of police practices. Thus, allowing for the citizens of the community to benefit from professional and courteous service from their police department.

## **Recommendations Addressing Issues of Concern**

Beyond the collection of data, the Department will continue to publish information about the Racial Profiling Policy to its personnel and also the public. Complaints of racial profiling will be investigated. I have attached a copy of the Celina Police Department's Racial Profiling Policy.

## **Policy 2.2 Bias Based Policing**

### **I. POLICY**

We are committed to a respect for constitutional rights in the performance of our duties. Our success is based on the respect we give to our communities, and the respect members of the community observe toward law enforcement. To this end, 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 illegal arrests, searches, and detentions, thus thwarting the mission of our department. Most importantly, actions guided by bias destroy the trust and respect essential for our mission to succeed. We live and work in communities that are very diverse in population. 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, sex, sexual orientation, gender, national origin, ethnicity, age, or religion. Officers shall base all such actions on a reasonable suspicion that the person or an occupant of a vehicle committed an offense.

All departmental orders are informed and guided by this directive. Nothing in this order limits non-enforcement contacts between officers and the public.

## **II. PURPOSE**

The purpose of this order 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.

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.

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, Hispanic, 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 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.

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, national origin, citizenship, religion, ethnicity, age, gender, color, creed, sexual orientation, disability, or economic status. 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. How the officer disengages from a traffic stop may be crucial to a person's perception of fairness or discrimination.

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. To this end, personnel are reminded that the exercise of courtesy and respect engenders a future willingness to cooperate with law enforcement.

a. Personnel shall facilitate an individual's access to other governmental services whenever possible, and shall actively provide referrals to other appropriate agencies.

b. 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 department's complaint process when appropriate.

5. When feasible, personnel shall offer explanations of the reasons for enforcement actions or other decisions that bear on individual's well-being unless the explanation would undermine an investigation or jeopardize an officer's safety. When concluding an encounter, personnel should thank him or her for cooperating.

6. When feasible, all personnel shall identify themselves by name. When a person requests the information, personnel shall give 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.

#### B. Supervisory 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 essential in 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 laws engenders not only mistrust of law enforcement, but increases safety risks to personnel. Lack of control over bias also 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.

#### C. Disciplinary consequences

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

#### D. Training (TBP: 2.01)

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

## **V. COMPLAINTS**

A. The department shall publish the process on how to file a complaint on an officer or the department. 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 investigations 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 TCLEOSE in the required format.