



# ROWLETT POLICE DEPARTMENT

2021

## 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 Rowlett Police Department revealed the following:

- **A COMPREHENSIVE REVIEW OF THE ROWLETT POLICE DEPARTMENT REGULATIONS, SPECIFICALLY POLICY 401 OUTLINING THE DEPARTMENT’S POLICY CONCERNING RACIAL OR BIASED BASED PROFILING, SHOWS THAT THE ROWLETT 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 ROWLETT 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 ROWLETT POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW CONCERNING THE REPORTING OF INFORMATION TO TCOLE.**

- **THE ROWLETT 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 Rowlett Police Department's policies, training, and statistical information on racial profiling for the year 2021. 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 Rowlett Police Department in 2021. The full copies of the applicable laws pertaining to this report are contained in Appendix A.

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

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

A review of Rowlett Police Department Policy 401 revealed that the department has adopted policies to be in compliance with Article 2.132 of the Texas CCP (see Appendix B). There are seven specific requirements mandated by Article 2.132 that a law enforcement agency must address. All seven are clearly covered in Policy 401. Rowlett Police Department regulations provide clear direction that any form of bias-based profiling is prohibited and that supervisors will investigate all actual or alleged violations of the policy in accordance with the Personnel Complaints Policy. Appendix C lists the applicable statute and corresponding Rowlett Police Department regulation.

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

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

Texas Occupation Code § 1701.253 and § 1701.402 require that curriculum be established and training certificates issued on racial profiling for all Texas peace officers. Information provided by Rowlett Police Department reveals that racial profiling training and certification is current for all officers in the department.

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

## **Rowlett 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. Rowlett Police Department has information regarding racial profiling in the lobby of the police department in addition to a clear website (<https://www.ci.rowlett.tx.us/140/Racial-Profiling>) with specific directions on how to file a racial profiling complaint against an officer. The website also provides phone numbers, an agency contact for the Commander of the Professional Standards Unit, and an email address to make a complaint. The information on the website is clearly written and provides detailed information on the process and whom to contact to file a complaint.

*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.*

## **Rowlett 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. Rowlett Police Department submitted statistical information on all motor vehicle stops in 2021 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:

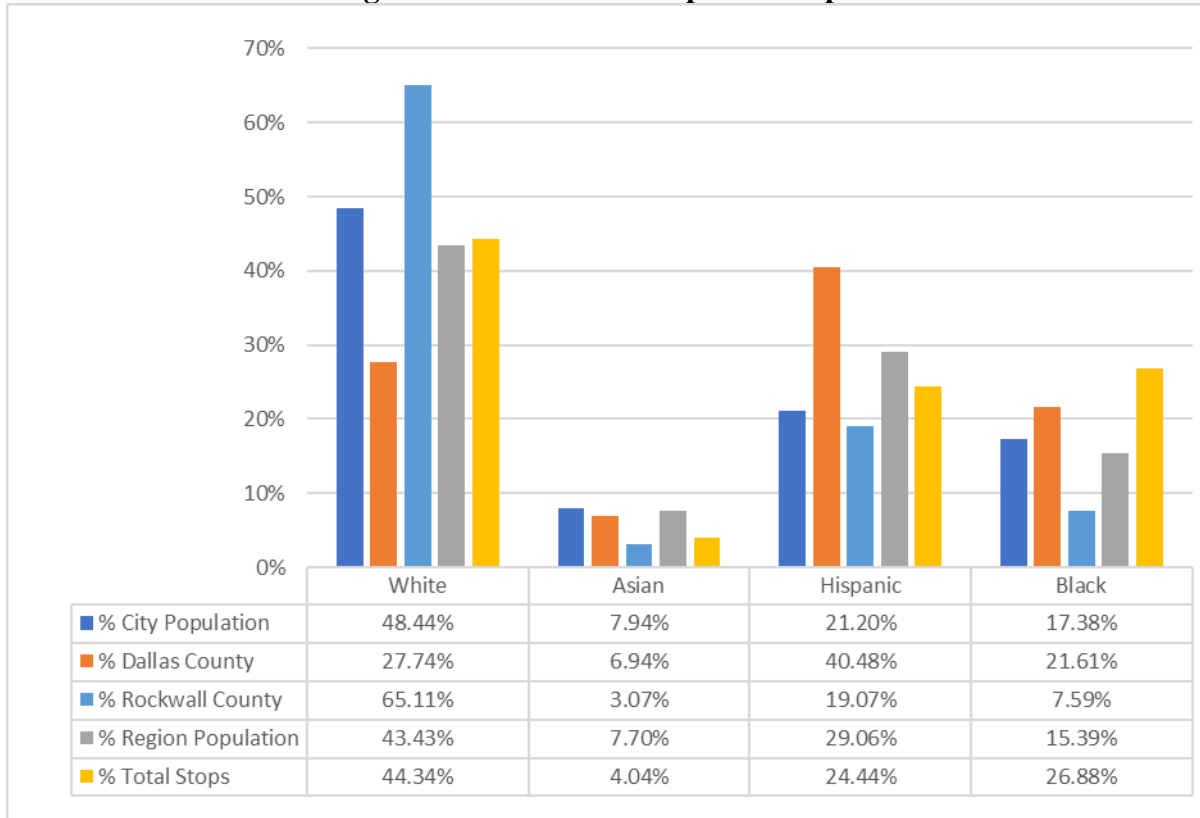
*Evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities. Texas Code of Criminal Procedure Article 2.134(c)(1)(A)*

The first chart depicts the percentages of people stopped by race/ethnicity among the total 12,699 motor vehicle stops in which a ticket, citation, or warning was issued, including arrests made, in 2021.<sup>1</sup>

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<sup>1</sup> There were 37 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 Rowlett and relative to the total number of motor vehicle stops among all drivers (12,699).

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



*White drivers* constituted 44.34 percent of all drivers stopped, whereas Whites constitute 48.44 percent of the city population, 27.74 percent of the Dallas county population, 65.11 percent of the Rockwall county population, and 43.43 percent of the region population.<sup>2</sup>

*Asian drivers* constituted 4.04 percent of all drivers stopped, whereas Asians constitute 7.94 percent of the city population, 6.94 percent of the Dallas county population, 3.07 percent of the Rockwall county population, and 7.70 percent of the region population.

*Hispanic drivers* constituted 24.44 percent of all drivers stopped, whereas Hispanics constitute 21.20 percent of the city population, 40.48 percent of the Dallas county population, 19.07 percent of the Rockwall county population, and 29.06 percent of the region population.

*Black drivers* constituted 26.88 percent of all drivers stopped, whereas Blacks constitute 17.38 percent of the city population, 21.61 percent of the Dallas county population, 7.59 percent of the Rockwall county population, and 15.39 percent of the region population.

<sup>2</sup> City and County and Regional populations were derived from 2020 Decennial Census Redistricting Data (DEC) of the U.S. Census Bureau. Region is defined as the 16 county Dallas-Ft. Worth Area including the following counties: Collin, Dallas, Denton, Ellis, Erath, Hood, Hunt, Johnson, Kaufman, Navarro, Palo Pinto, Parker, Rockwall, Somervell, Tarrant, and Wise. City and County populations by gender noted later in this report are based on the most recent 2019 American Community Survey estimates, as the 2020 Decennial Census Redistricting Data (DEC) does not include population counts by gender.

The chart shows that White drivers are stopped at rates lower than the percentage of Whites found in the city and Rockwall county populations, but higher than the percentage of Whites in the Dallas county and regional populations. Asian drivers are stopped at rates lower than the percentage of Asians found in all population bases, with the exception of the Rockwall county population base. Hispanics are stopped at rates lower than the percentage of Hispanics found in the Dallas county and region populations, and higher than the Rockwall county and city population. Blacks are stopped at rates higher than the percentage of Blacks found in the city, Rockwall county, Dallas county, and region 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 2020 Census 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 and regional 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, county, or region where the motor vehicle stop occurred are not included in the benchmark base-rate.

### Issue #3: Officers Do Not Know the Race/Ethnicity of the Motorist Prior to the Stop

As illustrated in Table 3 near the end of this report, of the 12,699 motor vehicle stops in 2021, the officer knew the race/ethnicity of the motorist prior to the stop in 1.3% of the stops (163/12,699). 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, Rowlett 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.

Based on this factor, post-stop outcomes are more relevant for a racial profiling assessment, as presented later in 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.

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.

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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.



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 Rowlett Police Department in 2021. 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 12,699 motor vehicle stops in 2021 in which a ticket, citation, or warning was issued. The table also shows arrests made as a result of those stops. Roughly 49 percent of stops resulted in a verbal warning and roughly 47 percent resulted in a citation. Together, these accounted for 96 percent of all result of stop actions and will be the focus of the below discussion.

Specific to **verbal warnings**, White motorists received a verbal warning in roughly 47 percent of stops involving White motorists (2,622/5,631), Black motorists received a verbal warning in roughly 52 percent of stops of Black motorists, Hispanic motorists received a verbal warning in roughly 51 percent of stops of Hispanic motorists, Asian motorists received a verbal warning in roughly 54 percent of stops of Asian motorists, and Alaska Native/American Indian motorists received a verbal warning in roughly 57 percent of stops involving Alaska Native/American Indians (37 total stops).

White motorists received a **citation** in roughly 50 percent of stops involving White motorists (2,834/5,631), Black motorists received a citation in roughly 43 percent of stops of Black motorists, Hispanic motorists received a citation in roughly 44 percent of stops of Hispanic motorists, Asian motorists received a citation in roughly 43 percent of stops of Asian motorists, and Alaska Native/American Indian motorists received a citation in roughly 38 percent of stops involving Alaska Native/American Indians (37 total stops).

Relative to any form of **arrest** (Written Warning and Arrest, Citation and Arrest, and Arrest), White motorists were arrested in roughly 2 percent of stops involving White motorists (103/5,631), Black motorists were arrested in roughly 4 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, and Alaska Native/American Indian motorists were arrested in roughly 3 percent of stops of Alaska Native/American Indian motorists (1 arrest out of 37 total stops).

As illustrated in Table 1, **arrests** were rare in 2021. Of the 12,699 total stops, 382 arrests [written warning and arrest (2), citation and arrest (33) and sole arrests (347)] were made in 2021, and this accounts for 3.0% percent of all stops. Most arrests were based on a violation of the penal code (45.3%; 173/382) or an outstanding warrant (44.8%; 171/382).

Finally, as presented in Table 1, **physical force resulting in bodily injury** was used once in 2021. Of the 12,699 total stops, one involved physical force resulting in bodily injury. In this instance, the suspect was injured.

**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	5,631	3,414	3,104	513	37	12,699
<b>Gender</b>						
Female	2,240	1,298	915	180	12	4,645
Male	3,391	2,116	2,189	333	25	8,054
<b>Reason for Stop</b>						
Violation of Law	449	301	363	33	4	1,150
Preexisting Knowledge	91	124	130	5	1	351
Moving Traffic Violation	4,020	2,071	1,829	402	24	8,346
Vehicle Traffic Violation	1,071	918	782	73	8	2,852
<b>Result of Stop</b>						
Verbal Warning	2,622	1,758	1,587	279	21	6,267
Written Warning	72	28	40	3	1	144
Citation	2,834	1,475	1,361	222	14	5,906
Written Warning and Arrest	0	1	1	0	0	2
Citation and Arrest	7	18	7	0	1	33
Arrest	96	134	108	9	0	347
<b>Arrest Based On</b>						
Violation of Penal Code	59	54	54	6	0	173
Violation of Traffic Law	8	14	15	0	1	38
Violation of City Ordinance	0	0	0	0	0	0
Outstanding Warrant	36	85	47	3	0	171
<b>Physical Force Resulting in Bodily Injury Used?</b>						
No	5,631	3,413	3,104	513	37	12,698
Yes	0	1	0	0	0	1

### 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 2021, a total of 544 **searches** of motorists were conducted, or roughly 4 percent of all stops resulted in a search. Among searches within each racial/ethnic group, White motorists were searched in roughly 3 percent of all stops of White motorists (147/5,631), Black motorists were searched in roughly 7 percent of all stops of Black motorists, Hispanic motorists were searched in roughly 5 percent of all of Hispanic motorists, Asian motorists were searched in roughly 2 percent of all stops of Asian motorists, and Alaska Native/American Indian motorists were searched in roughly 5 percent of stops (total of 2 searches among 37 stops of Alaska Native/American Indian motorists).

As illustrated in Table 2, the most common reason for a search was probable cause (43.0%; 234/544). Among **searches based on probable cause** within each racial/ethnic group, White motorists were searched based on probable cause in roughly 36 percent of all searches of White motorists (53/147), Black motorists were searched based on probable cause in roughly 52 percent of all searches of Black motorists, Hispanic motorists were searched based on probable cause in roughly 36 percent of all searches of Hispanic motorists, and Asian motorists were searched based on probable cause in 18 percent of all searches of Asian motorists (2 total probable cause searches of Asian motorists).

Regarding searches, it is further noted that 107 out of 544 searches (see Table 2), or roughly 20 percent of all searches, were based on consent, which are regarded as discretionary as opposed to non-discretionary searches. Relative to the total number of stops (12,699), discretionary **consent searches** occurred in 0.84 percent of stops. Among **consent searches** within each racial/ethnic group, White motorists were searched based on consent in 25.2 percent of all searches of White motorists (37/147), Black motorists were searched based on consent in 17.3 percent of all searches of Black motorists, Hispanic motorists were searched based on consent in roughly 17.7 percent of all searches of Hispanic motorists, and Asian motorists were searched based on consent in 27.3 percent of all searches of Asian motorists (3 consent searches of Asian motorists).

Of the searches that occurred in 2021, and as shown in Table 2, **contraband was discovered** in 232 or about 43 percent of all searches (232/544 total searches). Among the searches in which contraband was discovered (232), 75 percent of the time the contraband discovered was drugs. Finally, as illustrated in Table 2, when contraband was discovered, motorists were arrested roughly 57% of the time (132/232).

**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	147	237	147	11	2	544
No	5,484	3,177	2,957	502	35	12,155
<b>Reason for Search</b>						
Consent	37	41	26	3	0	107
Contraband in Plain View	8	15	9	2	0	34
Probable Cause	53	124	53	2	2	234
Inventory	29	38	37	4	0	108
Incident to Arrest	20	19	22	0	0	61
<b>Was Contraband Discovered</b>						
Yes	61	108	61	2	0	232
No	86	129	86	9	2	312
<b>Description of Contraband</b>						
Drugs	45	83	44	2	0	174
Weapons	2	4	3	0	0	9
Currency	1	1	0	0	0	2
Alcohol	7	1	4	0	0	12
Stolen Property	0	1	0	0	0	1
Other	6	18	10	0	0	34
<b>Did Discovery of Contraband Result in Arrest?</b>						
Yes	37	57	37	1	0	132
No	24	51	24	1	0	100

**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 2021, internal records indicate that the Rowlett 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 2021, 12,699 motor vehicle stops were made by the Rowlett Police Department. Of these stops, 4,645 or roughly 37 percent were female drivers (4,645/12,699), and roughly 63 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 Rowlett was composed of 50.5 percent females and 49.5 percent males. County population 2019 ACS estimates indicate that in Dallas County, females accounted for 50.7 percent of the county population and males accounted for 49.3 percent of the county population. In Rockwall County, females accounted for 50.6 percent of the county population and males accounted for 49.4 percent of the county population.

Overall, in 2021, males were stopped at rates higher than their proportion of the city, Dallas County and Rockwall County populations.

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

Table 3 below provides additional information relative to motor vehicle stops in 2021 by the Rowlett Police Department. The data are required to be collected by the Rowlett Police Department under the Texas Code of Criminal Procedure Article 2.133.

As previously noted, the Rowlett Police Department received no complaints alleging that a peace officer employed by the agency engaged in racial profiling. Furthermore, as previously discussed, of the 12,699 motor vehicle stops in 2021, the officer knew the race/ethnicity of the motorist prior to the stop in 1.3% of the stops (163/12,699).

**Table 3: Additional Information**

<b>Additional Information</b>	<b>Total</b>
<b>Was Race/Ethnicity Known Prior to Stop</b>	
Yes	163
No	12,536
<b>Approximate Location of Stop</b>	
City Street	9,364
US Highway	894
County Road	12
State Highway	2,196
Private Property/Other	233
<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 Rowlett Police Department**

*The foregoing analysis shows that the Rowlett 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, a formalized complaint process, and the collection of data in compliance with the law.*

In addition to providing summary reports and analysis of the data collected by the Rowlett Police Department in 2021, 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 Rowlett 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**

# **ROWLETT POLICE DEPARTMENT RACIAL PROFILING POLICY**



## **Bias-Based Policing**

### **401.1 PURPOSE AND SCOPE**

This policy provides guidance to department members that affirms the Rowlett 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 Rowlett 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.

# Rowlett Police Department

## Rowlett PD Policy Manual

### *Bias-Based Policing*

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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 Patrol Division 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.

- (a) The location of the stop
- (b) The initial reason for the stop
- (c) The physical description of the driver, including:
  - 1. The person's gender
  - 2. The person's race or ethnicity as stated by the person or as best as can be determined by the officer
- (d) Whether the officer knew the race or ethnicity of the detained person before the stop
- (e) Whether a citation or a warning was issued as a result of the stop
- (f) Whether an arrest was made and, if so, for what offense
- (g) Whether the officer conducted a search and, if so, whether the search was based on consent, probable cause or reasonable suspicion, incident to arrest, contraband or evidence in plain view, the result of towing the vehicle for evidence or safekeeping or any other reason
- (h) Whether any contraband or evidence was discovered and whether it was in plain view
- (i) A description of any contraband or evidence located

#### **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) and BWC recordings, Mobile Computer Terminal (MCT) data and any other available resource

# Rowlett Police Department

## Rowlett PD Policy Manual

### *Bias-Based Policing*

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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.

#### **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.

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 Professional Standards Commander or designee shall 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 Professional Standards 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.

# Rowlett Police Department

Rowlett PD Policy Manual

## *Bias-Based Policing*

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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 Professional Standards Lieutenant.



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## Racial Profiling

The Rowlett Police Department recognizes that our society holds the freedoms of the individual as a fundamental concept. Therefore, we strive to enforce policy and procedures that serve to ensure public confidence and mutual trust through the delivery of police services that are fair and equitable.

Members of this Department will not infringe upon this freedom without just, legal and necessary cause. State law and Rowlett Police Department General Orders strictly prohibit police officers from engaging in racial profiling.

### Reporting Racial Profiling

If you feel you have been involved in an incident that may constitute racial profiling, you may submit a [complaint online](#), by phone by calling 972-412-6200 and request to speak with the Watch Commander, by [mail](#), or in person at the [Rowlett Police Department](#). Every supervisor in the department is authorized to take your complaint. A supervisor can be reached 24 hours a day, seven days a week by calling 972-412-6200, Option #1. Please make sure that you provide a detailed account of the incident.

Lieutenant Kevin Harrelson is Commander of the Professional Standards Unit. Any racial profiling matters may be brought to his attention by contacting him at 972-412-6240 or by [Email](#).

### Additional Information

- [2020 Racial Profiling Analysis](#)
- [Racial Profiling Policy](#)

# Appendix C

## Racial Profiling Laws and Corresponding Standard Operating Procedures

<b>Texas CCP Article</b>	<b>ROWLETT POLICE DEPARTMENT POLICY 401</b>
2.132(b)1	Section 401.1.1 Definitions
2.132(b)2	Section 401.3 Bias-Based Policing Prohibited
2.132(b)3	Section 401.8 Compliments and Complaints and Agency Website
2.132(b)4	Section 401.8 Compliments and Complaints and Agency Website
2.132(b)5	Section 401.5 Supervisor Responsibilities
2.132(b)6	Sections 401.4.2 Reporting Traffic Stops
2.132(b)7	Section 401.6 State Reporting