

Interoffice Memo

To: Gregory L. Grigg
Chief of Police

Greg Grigg, 1-29-19

Via: Sharon W. Massey
Assistant Chief of Police

Sharon W. Massey

Wade A. Conner
Captain

W. A. Conner

From: John C. Yettevich
Lieutenant

John C. Yettevich

Date: 1/28/19

Subject: Annual Comparative Analysis for Bias Base /Racial Profiling (General Orders 1.2.14 G. 4 and 1.2.14 G. 5)

Below is the information for the comparative analysis of the data collected for traffic stops, traffic citations issued, traffic stop arrests, asset forfeiture, and seizures. State law and the Deer Park Police Department General Orders 1.2.14 G. 4 and 1.2.14 G. 5 require this data to be collected and analyzed to determine if any racial profiling or other form of bias-based policing exists in the Deer Park Police Department. The findings then must be submitted to the Texas Commission on Law Enforcement (TCOLE) database via their website by March 1, 2019.

During calendar year 2018, the Deer Park Police Department did not receive any complaints of racial profiling.

Below you will find (1) a summary of practices including citizen concerns; (2) the data for examination of the disposition of stops, including searches resulting from the stops; (3) the report required to be entered into the Texas Commission on Law Enforcement (TCOLE) database via their website; and (4) the "Asset Seizure and Forfeit Review" memorandum from Captain W. A. Conner that is the source for this analysis.

Summary of Practices

In conjunction with the efforts mentioned below, the Police Department holds numerous community meetings throughout the year to address issues and concerns as part of our Community Oriented Policing philosophy. This is a testament of the training and the quality of officers that the Deer Park Police Department is hiring.

Since January 1, 2002, the Deer Park Police Department, in accordance with the Texas Racial Profiling Law (SB 1074), has been collecting police contact data. SB 1074 required the collection of a violator's race and whether a search was conducted and, if so, whether the person detained consented to the search on all traffic stops in which a citation was issued or an arrest made. Subsequently, House Bill 3389 of the 81st Legislature of the State of Texas requires the reporting of racial profiling data for the previous calendar year to TCOLE by March 1st of each year. The Deer Park Police Department General Order 1.2.14 prohibits all bias based policing. This General Order has been reviewed and is in compliance with state law and current best practices. Racial Profiling 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.

Article 2.133 of the Code of Criminal Procedure requires certain information be recorded each time a Police Officer stops a motor vehicle for an alleged violation of a law or ordinance regulating traffic or who stops a pedestrian for any suspected offense, unless the contact is recorded by mobile recording equipment. The Violator/Suspect Contact form (PD-69) has been developed for use by officers to record traffic and pedestrian stops made in absence of functional mobile recording equipment. The Violator/Suspect Contact form (PD-69) will be used anytime mobile video recording equipment is inoperable or unavailable.

The Deer Park Police Department has complied with all the requirements of the Texas Racial Profiling Law including officer training and distribution of information to the public on the complaint process. The Deer Park Police Department acquired in-car video equipment in June of 2003, which has been used consistently for the collection of data on all vehicular and pedestrian stops, and is constantly upgrading its technology to stay current with the times. The current system allows greater storage capacity and ready access to any supervisor's desk top computer for constant and immediate reviews of traffic stops. Finally, the Deer Park Police Department traffic citations and arrest reports comply with state mandates that require the proper information to be collected to capture data regarding racial profiling issues.

To ensure compliance with General Order 1.2.14, Deer Park Patrol Sergeants are required to review random samples of at least two traffic / pedestrian stops per assigned officer "on a monthly" basis to ensure policies are being followed. An email of that review with a memorandum attached is forwarded to the Community Services Lieutenant detailing the review and whether or not the department's policies are being complied with. Any violations of the department's policies shall be reported immediately to the Division's Commander via Interoffice Memorandum. At present, there is no indication that racial profiling is occurring in the department. In 2018, there was no internal affairs investigation which resulted in disciplinary action(s) taken towards an officer related to bias based policing.

A review of the current Deer Park Police Department General Order 1.2.14 regarding Bias Base /Racial Profiling was conducted while compiling this report, and there is no indication of a need for any changes to these policies and procedures at this time.

The following data provides a statistical summary for year 2018 that affirms that the Deer Park Police Department has not experienced any problems regarding racial profiling practices. Again, this is supported by the fact that of the thousands of public contacts during the year 2018, the Deer Park Police Department did not receive any complaints from a community member regarding officers' misconduct associated with racial profiling practices.

A subsequent review of all allegations made in Calendar Year 2017 indicated that there was one complaint, which included an allegation of bias based / racial profiling. This allegation was "Not Sustained". This was discovered after the submittal of the 2017 Bias Base / Racial Profiling report to council and the state.

Disposition of stops, including searches resulting from the stops:

Motor Vehicle Racial Profiling Information

Total stops: 34,661

1. Gender

CCP 2.133(b)(1)(a)

1.1 Female: **12,620**

1.2 Male: **22,041**

2. Race or ethnicity

CCP 2.132(a)(3), 2.132(b)(6)(A), 2.133(b)(1)(B)

2.1 Black: **3,640**

2.2 Asian/Pacific Islander: **550**

2.3 White: **22,742**

2.4 Hispanic/Latino: **7,654**

2.5 Alaska Native/American Indian: **75**

3. Was race or ethnicity known prior to stop?

CCP 2.132(b)(6)(C)

3.1 Yes: **691**

3.2 No: **33,970**

4. Reason for stop?

CCP 2.132(b)(6)(F), 2.133(b)(2)

4.1 Violation of law: **3,976**

4.2 Preexisting knowledge: **403**

4.3 Moving traffic violation: **18,457**

4.4 Vehicle traffic violation: **11,825**

5. Street address or approximate location of the stop

CCP 2.132(b)(6)(E), 2.133(b)(7)

5.1 City street: **32,091**

5.2 US highway: **2,341**

5.3 County road: **0**

5.4 State highway: **0**

5.5 Private property or other: **229**

6. Was a search conducted?

CCP 2.132(b)(6)(B), 2.133(b)(3)

6.1 Yes: **1,732**

6.2 No: **32,929**

7. Reason for Search?

7.1 Consent: **649**

CCP 2.132(b)(6)(B), 2.133(b)(3)

7.2 Contraband in plain view: **56**

CCP 2.133(b)(5)(A)

7.3 Probable cause: **671**

CCP 2.133(b)(5)(B)

7.4 Inventory: **401**

CCP 2.133(b)(5)(C)

7.5 Incident to arrest: **243**

CCP 2.133(b)(5)(C)

8. Was Contraband discovered?

CCP 2.133(b)(4)

8.1 Yes: **754**

8.2 No: **978**

9. Description of contraband

CCP 2.133(b)(4)

9.1 Drugs: **474**

9.2 Currency: **7**

9.3 Weapons: **61**

9.4 Alcohol: **101**

9.5 Stolen property: **13**

9.6 Other: **168**

10. Result of the stop

10.1 Verbal warning: **21,020**

CCP 2.133(b)(8)

10.2 Written warning: **1,920**

CCP 2.133(b)(8)

10.3 Citation: **10,369**

CCP 2.133(b)(8)

10.4 Written warning and arrest: **9**

10.5 Citation and arrest: **129**

10.6 Arrest: 1,418 CCP 2.133(b)(6)

11. Arrest based on

CCP 2.133(b)(6)

11.1 Violation of Penal Code: 731
11.2 Violation of Traffic Law: 207
11.3 Violation of City Ordinance: 10
11.4 Outstanding Warrant: 608

12. Was physical force resulting in bodily injury used during stop?

CCP 2.132(b)(6)(D), 2.133(b)(9)

12.1 Yes: 8
12.2 No: 34,653

Information to be submitted to TCOLE in the form of a FULL RACIAL PROFILING REPORT:

Agency Name: DEER PARK POLICE DEPT.
Reporting Date: 1/28/19

TCOLE Agency Number: 201204

Chief Administrator: GREGORY L. GRIGG

Agency Contact Information: Phone: 281-479-1511
Email: jyettevich@deerparktx.org
Mailing Address:

DEER PARK POLICE DEPT.
2911 Center Street
Deer Park, TX 77536

This Agency is filing a full racial profiling report.
Our vehicles that conduct motor vehicle stops are equipped with video and audio equipment and we maintain videos for 90 days.

By submitting, the chief administrator affirms that the agency has a policy in place in accordance with:

Texas Code of Criminal Procedure §2.132 and that the policy:

- (1) clearly defines acts constituting racial profiling;
- (2) strictly prohibits peace officers employed by the agency from engaging in racial profiling;
- (3) implements 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) provides public education relating to the agency's compliment and complaint process, including providing the telephone number, mailing address, and email address to make a compliment or complaint with respect to each ticket, citation, or warning issued by a peace officer;

(5) requires 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) requires 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; and

(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) requires 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.

Executed by: Chief Administrator

Date:

I certify these policies are in effect.

Executed by: **GREGORY L. GRIGG**

Chief Administrator

DEER PARK POLICE DEPT.

Date: 1/28/19