



MIDLAND POLICE DEPARTMENT

2017

RACIAL PROFILING ANALYSIS

PREPARED BY:

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DEPARTMENT OF
CRIMINAL JUSTICE
College of Health
& Public Service



Executive Summary

Article 2.132 (7) of the Texas Code of Criminal Procedure requires the annual reporting to the local governing body of data collected on the race or ethnicity of individuals stopped and issued citations or arrested subsequent to traffic stops and whether or not those individuals were searched. Since the law provides no clear instruction to a governing body on how to review such data, the Midland Police Department requested this analysis and review to assist the City Council in reviewing the data.

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

- **A COMPREHENSIVE REVIEW OF THE MIDLAND POLICE DEPARTMENT’S BIAS BASED PROFILING POLICY SHOWS THAT THE MIDLAND 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 MIDLAND POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH TEXAS LAW ON TRAINING AND EDUCATION REGARDING RACIAL PROFILING.**
- **A REVIEW OF THE DOCUMENTATION PRODUCED BY THE DEPARTMENT REVEALS THAT THE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW ON THE RACIAL PROFILING COMPLAINT PROCESS AND PUBLIC EDUCATION ABOUT THE COMPLAINT PROCESS.**
- **ANALYSIS OF THE DATA REVEALS THAT THE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW ON THE COLLECTION OF RACIAL PROFILING DATA.**
- **THE ANALYSIS OF STATISTICAL INFORMATION FROM MIDLAND POLICE DEPARTMENT REVEALS THAT THERE ARE NO METHODOLOGICALLY CONCLUSIVE INDICATIONS OF SYSTEMIC RACIAL PROFILING BY THE DEPARTMENT.**
- **THE MIDLAND POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW CONCERNING THE PROHIBITION OF RACIAL PROFILING.**
- **THE MIDLAND POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW CONCERNING THE REPORTING OF INFORMATION TO TCOLE.**

Introduction

This report details an analysis of the Midland Police Department's policies, training, and statistical information on racial profiling for the year 2017. This report has been prepared to specifically comply with Article 2.132 of the Texas Code of Criminal Procedure (CCP) regarding the compilation and analysis of racial profiling data. Specifically, the analysis will address Articles 2.131 – 2.135 of the CCP and make a determination of the level of compliance with those articles by the Midland Police Department in 2017. The full copies of the applicable laws and regulations pertaining to this report are contained in Appendix A.

This report is divided into six analytical sections: Midland Police Department's bias based profiling policy; Midland Police Department's training and education on racial profiling; Midland Police Department's complaint process and public education on racial profiling; analysis of statistical data on racial profiling; analysis of Midland Police Department's compliance with applicable laws on racial profiling; and a final section which includes completed data and information reporting forms required to be sent to TCOLE beginning in 2011.

For the purposes of this report and analysis, the following definition of 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).

Midland Police Department Policy on Racial Profiling

A review of Midland Police Department's "Bias Based Profiling" policy revealed that the department has adopted policies 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 Midland Police Department's bias based profiling policy. Midland Police Department policies provide clear direction that any form of racial profiling is prohibited and that officers found engaging in inappropriate profiling may be disciplined up to and including termination of employment. The policies also provide a very clear statement of the agency's philosophy regarding equal treatment of all persons regardless of race, ethnicity, or national origin. Appendix C lists the applicable statute and corresponding Midland Police Department regulation.

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

Midland 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 Midland Police Department reveals that racial profiling training and certification is current for all officers in 2017. All Midland Police Department officers are trained and instructed on the racial profiling law in Texas. In addition, all officers and supervisors periodically complete a 4-hour refresher course on the racial profiling law and the department's Bias Based Profiling

policy. All officers have been instructed on the policies and procedures regarding racial profiling and the accompanying complaint process as well.

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

Midland 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. Midland Police Department's Bias Based Profiling Policy Section IX (Public Education) covers this requirement. The City of Midland Police Department has also taken the following actions to ensure that the information relating to the policy disallowing racial profiling has been made known to the public:

- 1) Published racial profiling policy and complaint information on the City of Midland Website (<http://www.midlandtexas.gov/documentcenter/view/1034>) and (<http://www.midlandtexas.gov/237/Police>).
- 2) Created brochures in both English and Spanish which clearly provide information about racial profiling, how to file a complaint, and various contact sources for the general public.

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

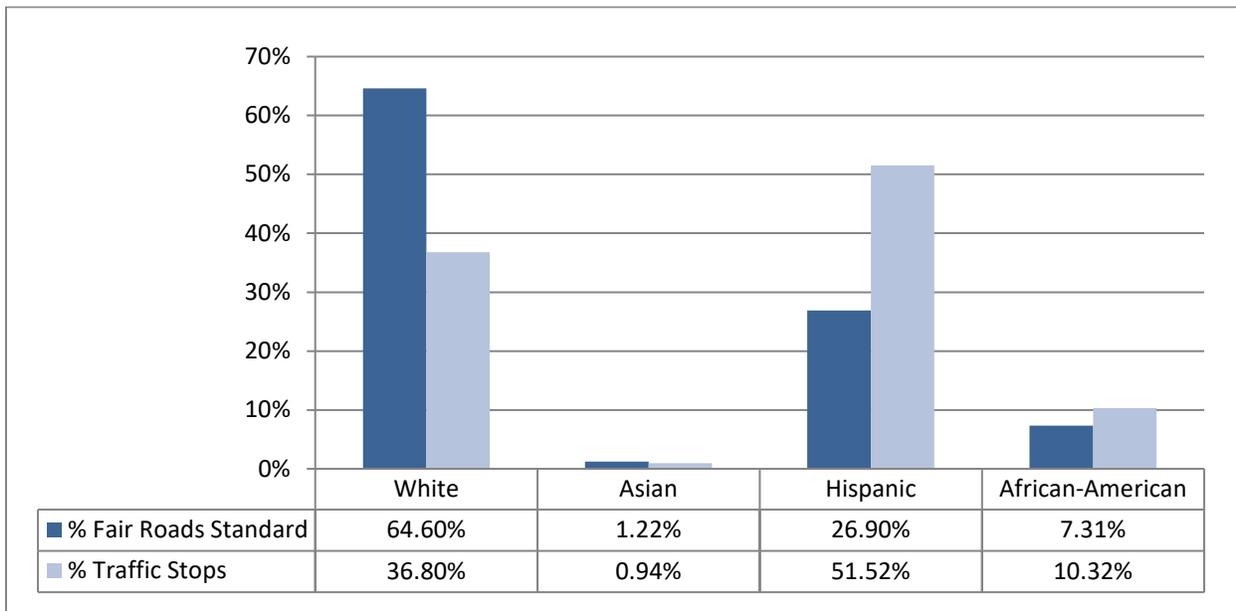
Midland Police Department Statistical Data on Racial Profiling

Article 2.132(b) 6 requires that law enforcement agencies collect statistical information on traffic citations and detentions with specific information on the race of the person cited. In addition, information concerning searches of persons and whether or not the search was based on consent is also collected. Midland Police Department submitted statistical information on all vehicle stops in 2017 and accompanying information on the race of the person stopped. Accompanying this data was the relevant information on searches and arrests.

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

The first chart depicts the percentages of people stopped by race including Whites, Asians, African-Americans, and Hispanics among the 12,499 stops in 2017.¹ *White drivers* constituted 36.80 percent of all drivers stopped, whereas Whites constituted 64.60 percent of the city population (Fair Roads Standard, interpreted as White households in Midland that reported access to vehicles on the 2010 Census).² The chart shows that White drivers were stopped at a rate that is lower than the percentage of Whites in the city population. *Asian drivers* constituted 0.94 percent of all drivers stopped, whereas Asians constituted 1.22 percent of the city population. Asian drivers were stopped at a rate that is lower than the percentage of Asians found in the city population. *African-American drivers* constituted 10.32 percent of all drivers stopped, whereas African-Americans constituted 7.31 percent of the city population. African-American drivers were stopped at a rate that is higher than the percentage of African-Americans found in the city population. *Hispanic drivers* constituted 51.52 percent of all drivers stopped, whereas Hispanics constituted 26.90 percent of the city population. Hispanics were stopped at rates higher than the percentage of Hispanics found in the city.



¹ The total number of stops in 2017 resulting in citation, arrest, or both totaled 12,499. A total of 31 stops of motorists of Middle Eastern descent and 22 stops of motorists of Native American descent are not charted due to the small number of stops relative to the population base. The stops among these groups account for less than 1 percent of all stops in 2017.

² Fair Roads Standard data used for this report, which reflect the number of households in Midland by race/ethnicity who reported on the 2010 U.S. Census to have access to vehicles was derived from the U.S. Census Bureau, 2006-2010 American Community Survey estimates. For simplicity of interpretation, this report refers to “drivers” (e.g., White drivers) instead of “households in Midland that reported to have access to vehicles.”

Issues with Texas Law in Determining Racial Profiling

As the chart above shows, easy determinations regarding whether or not Midland police officers have “racially profiled” a given motorist are impossible given the nature of the data that has been collected and presented for this report. The law dictates that police agencies compile aggregate-level data regarding the *rates* at which agencies *collectively* stop motorists in terms of their race/ethnicity. These aggregated data are to be subsequently analyzed in order to determine whether 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 incident level 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—even if the rate at which any given group of motorists is stopped is greater than their proportion of the population. In short, disproportionality in stops across different racial/ethnic groups is not evidence of racial profiling.

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

In addition, the data collected for the current report does not allow for an analysis that separates (or disaggregates) the discretionary decisions of officers to stop a motorist from those that are largely non-discretionary. For example, non-discretionary stops of motorists based on the discovery of outstanding warrants should not be analyzed in terms of whether or not “profiling” has occurred simply because the officer who has stopped a motorist as a result of the discovery of an outstanding warrant does not *independently* make the decision to stop, but rather, is required to stop that individual regardless of any determination of race. An officer cannot be determined to be “racially profiling” when organizational rules and state codes compel them to stop an individual regardless of an individual's race/ethnicity. Straightforward aggregate comparisons of stop rates ignore these realities, and fail to distinguish between discretionary and non-discretionary law enforcement actions.

Finally, there has been considerable debate as to what the most appropriate population “base-rate” is in determining whether or not racial/ethnic disparities exist. As the current analysis shows in regards to the use of city base-rates, the outcome of analyses designed to determine whether disparities exist or not is obviously dependent on which base-rate is used. This report utilized the Fair Roads Standard, which is simply a tally of individuals in households, by race/ethnicity, who reported to the U.S. Census Bureau whether the household had access to one or more vehicles. Utilizing a different base rate, for example, the standard 2010 population Census, or the 2009-2013 American Community Survey (ACS) estimates can make differences regarding whether disproportionality or not exists. Even then, as noted above, disproportionality in the rate of stops among different racial/ethnic groups does not automatically equate to a finding of racial profiling.

In addition, it must be noted that recent population changes in the city of Midland due to the energy boom exacerbate problems associated with determining appropriate base-rates because measures derived from the U.S. Census can become quickly outdated. Although this report utilized the most recent data available, these and other population measures cannot keep current with changes being experienced in Midland right now.

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

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

The table below reports the summaries for the total number of persons stopped and searched subsequent to being stopped by the Midland Police Department for traffic offenses in 2017 (12,499). In addition, the table shows the number of individuals who granted consent to search and those drivers who were arrested at the conclusion of the stop. The chart shows that roughly 26 percent of all drivers searched were White (188/726 searches), roughly 19 percent (137/726) were African American, and 54 percent (393/726) were Hispanic. It is clear from the table that the vast majority of the total number of drivers cited (including White, African-American, and Hispanic groups) were not searched, as roughly 94 percent of all drivers who were stopped were not searched (726/12,499).

Action	White	African-American	Hispanic	Asian	Other	Total
Stops	4,600	1,290	6,439	117	53	12,499
Searches	188	137	393	5	3	726
Consent Searches	77	52	142	0	0	271
Arrests	143	106	319	3	0	571

The table above also indicates that drivers who were cited were rarely consent searched across the racial categories. Indeed, roughly 98 percent of all drivers stopped were not subject to a consent search across more than 12,000 stops in 2017. Moreover, the vast majority of individuals who were stopped were not arrested (roughly 5 percent of all individuals stopped were arrested).

Analysis of Racial Profiling Compliance by Midland Police Department

The foregoing analysis shows that the Midland 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 of data in compliance with the law. Finally, internal records indicate that in 2017 the department did not receive any complaints with regards to racial profiling.

In addition to providing summary reports and analysis of the data collected by the Midland Police Department in 2017, 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 Midland Police Department as well as police agencies across Texas. The Midland Police Department should continue its educational and training efforts within the department on racial profiling. Finally, the department should conduct periodic evaluations to assess patterns of officer decision-making on traffic stops. The final section of this report includes required TCOLE reporting information by Texas law enforcement organizations.

Midland Police Department TCOLE Reporting Forms



Partial Exemption Racial Profiling Reporting
(Tier 1)

Department Name Midland Police Department
Agency Number 329201
Chief Administrator Name Steven J. Henry
Reporting Name Midland Police Department
Contact Number 432-685-7101
E-mail Address shenry@midlandtexas.gov

Certification to Report 2.132 (Tier 1) – Partial Exemption

Policy Requirements (2.132(b) CCP):

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 complaint process;
- (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 citation is issued and to arrests made as a result of those stops, including information relating to:
 - (A) the race or ethnicity of the individual detained;
 - (B) whether a search was conducted and, if so, whether the individual detained consented to the search; and
 - (C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and
- (7) require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:
 - (A) the Commission on Law Enforcement Officer Standards and Education; 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.

These policies are in effect


Chief Administrator

2/5/18
Date



**Partial Exemption Racial Profiling Reporting
(Tier 1)**

Video and Audio Equipment Exemption

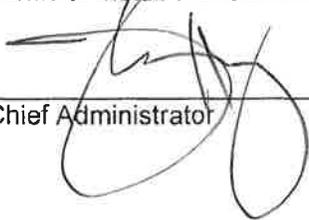
Partial Exemption Claimed by (2.135(a) CCP):

all cars regularly used for motor vehicle stops are equipped with video camera and transmitter-activated equipment and each motor stop is recorded and the recording of the stop is retained for at least 90 days after the stop.

OR

In accordance with 2.135(a)(2) the agency has requested and not received funds to install the recording equipment

I claim this exemption



Chief Administrator

2/5/18

Date

PARTIAL EXEMPTION RACIAL PROFILING REPORTING (TIER 1) 2017

INSTRUCTIONS: Please fill out all boxes. If zero, use 0.

1. Total on lines 4, 11, 14, and 17 must be equal

2. Total on line 20 must equal line 15

AGENCY NAME: [Midland Police Department](#)

Number of motor vehicle stops (mark only 1 category per vehicle stop):

1. [11704](#) Citation only

2. [571](#) Arrest only

3. [224](#) Both

4. [12499](#) (Total of 1-3)

Race or Ethnicity (mark only 1 category per vehicle stop):

5. [1290](#) African

6. [117](#) Asian

7. [4600](#) Caucasian

8. [6439](#) Hispanic

9. [31](#) Middle Eastern

10. [22](#) Native American

11. [12499](#) (Total of 5-10, must be the same as #4)

Race or Ethnicity known prior to stop?

12. [77](#) Yes

13. [12422](#) No

14. [12499](#) (Total of 12-13, must be the same as #4 and #11)

Search conducted?

15. [726](#) Yes

16. [11773](#) No

17. [12499](#) (Total of 15-16, must be the same as #4, #11, and #14 above)

Was search consented?

18. [271](#) Yes

19. [455](#) No

20. [726](#) (Total, must equal #15)



**Partial Exemption Racial Profiling Reporting
(Tier 1)**

Option to submit required data by utilizing agency report

You must submit your report in PDF format

Electronic Submission of data required by 2.132(b)(6) CCP

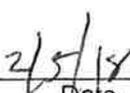
(6) require collection of information relating to motor vehicle stops in which a citation is issued and to arrests made as a result of those stops, including information relating to:

- (A) the race or ethnicity of the individual detained;
- (B) whether a search was conducted and, if so, whether the individual detained consented to the search; and
- (C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and

This report meets the above requirements



Chief Administrator



Date

Send entire documents electronically to this website

www.tcleose.state.tx.us

Appendix A

Racial Profiling Statutes and Laws

Art. 3.05. RACIAL PROFILING.

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

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

Art. 2.131. RACIAL PROFILING PROHIBITED.

A peace officer may not engage in racial profiling.

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

Art. 2.132. LAW ENFORCEMENT POLICY ON RACIAL PROFILING.

(a) In this article:

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

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

(3) "Race or ethnicity" means of a particular descent, including Caucasian, African, Hispanic, Asian, Native American, or Middle Eastern descent.

(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 complaint process;
 - (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 citation is issued and to arrests made as a result of those stops, including information relating to:
 - (A) the race or ethnicity of the individual detained;
 - (B) whether a search was conducted and, if so, whether the individual detained consented to the search; and
 - (C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and
 - (7) require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:
 - (A) the Commission on Law Enforcement Officer Standards and Education; 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. If a law enforcement agency installs video or audio equipment 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 Commission on Law Enforcement Officer Standards and Education 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.

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

Amended by: Acts 2009, 81st Leg., R.S., Ch. 1172, Sec. 25, eff. September 1, 2009.

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

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

Amended by: Acts 2009, 81st Leg., R.S., Ch. 1172, Sec. 26, eff. September 1, 2009.

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 Commission on Law Enforcement Officer Standards and Education

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; and
- (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

(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 Commission on Law Enforcement Officer Standards and Education, 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 Commission on Law Enforcement Officer Standards and Education 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](#), Sec. 27, eff. September 1, 2009.

Art. 2.135. PARTIAL EXEMPTION FOR AGENCIES USING VIDEO AND AUDIO EQUIPMENT.

(a) A peace officer is exempt from the reporting requirement under Article 2.133 and the chief administrator of a law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, is exempt from the compilation, analysis, and reporting requirements under Article 2.134 if:

(1) during the calendar year preceding the date that a report under Article 2.134 is required to be submitted:

(A) each law enforcement motor vehicle regularly used by an officer employed by the agency to make motor vehicle stops is equipped with video camera and transmitter-activated equipment and each law enforcement motorcycle regularly used to make motor vehicle stops is equipped with transmitter-activated equipment; and

(B) each motor vehicle stop made by an officer employed by the agency that is capable of being recorded by video and audio or audio equipment, as appropriate, is recorded by using the equipment; or

(2) the governing body of the county or municipality served by the law enforcement agency, in conjunction with the law enforcement agency, certifies to the Department of Public Safety, not later than the date specified by rule by the department, that the law enforcement agency needs funds or video and audio equipment for the purpose of installing video and audio equipment as described by Subsection (a)(1)(A) and the agency does not receive from the state funds or video and audio equipment sufficient, as determined by the department, for the agency to accomplish that purpose.

(b) Except as otherwise provided by this subsection, a law enforcement agency that is exempt from the requirements under Article 2.134 shall retain the video and audio or audio documentation of each motor vehicle stop for at least 90 days after the date of the stop. If a complaint is filed with the law enforcement agency alleging that a peace officer employed by the agency has engaged in racial profiling with respect to a motor vehicle stop, the agency shall retain the video and audio or audio record of the stop until final disposition of the complaint.

(c) This article does not affect the collection or reporting requirements under Article 2.132.

(d) In this article, "motor vehicle stop" has the meaning assigned by Article 2.132(a).

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

Amended by: Acts 2009, 81st Leg., R.S., Ch. 1172, Sec. 28, eff. September 1, 2009.

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 as described by Article 2.135(a)(1)(A), 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 as described by Article 2.135(a)(1)(A). 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 as described by Article 2.135(a)(1)(A), 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 as described by Article 2.135(a)(1)(A), 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 installed video and audio equipment as described by Article 2.135(a)(1)(A) and is using the equipment as required by Article 2.135(a)(1).

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

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 the amount of \$1,000 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, Sec. 29, eff. September 1, 2009.

Appendix B

Midland Police Department Racial Profiling Policy and Related Materials

Effective Date	September 2001	
Revision Date	10/2014	
Review Date	01/2014	
Previous Revision Date	01/2010	
Affects: Sworn Personnel		
Chapter 2 Section 6 Biased-Based Profiling		

I. STATEMENT OF PURPOSE

The purpose of this order is to define departmental policy and provide guidance to employees regarding bias-based profiling. Profiling, in itself can be a useful tool to assist law enforcement officers in carrying out their duties. Bias-based profiling, however, is the selection of individuals based solely on a common trait of a group. The practice of bias-based profiling by law enforcement personnel undermines legitimate law enforcement efforts and may lead to claims of civil rights violations. Additionally, bias-based profiling alienates citizens, fosters distrust of law enforcement by the community, invites media scrutiny, and judicial intervention.

This policy does not prohibit department personnel from stopping or detaining individuals if a specific report exists in which an individual's race, national origin, citizenship, religion, ethnicity, age or gender is a factor in determining the existence of reasonable suspicion and/or probable cause for taking police action. Nor does this policy prohibit officers from offering assistance to the public or stopping someone suspected of a crime based upon observed actions and/or information received about the person.

II. GENERAL POLICY

It is the policy of the Midland Police Department to patrol in a proactive manner, to aggressively investigate suspicious persons and circumstances, and to actively enforce motor vehicle laws, while insisting that citizens will only be stopped or detained when there exists reasonable suspicion to believe that they have committed, are committing, or are about to commit a violation of the law. It is the policy of the Midland Police Department to protect the fundamental rights of all citizens, and to provide equal protection under the law. Therefore, the Midland Police Department prohibits the use of bias-based profiling in traffic contacts, field contacts, and in asset seizure and forfeiture. (CALEA 1.2.9.a)

III. DEFINITIONS

- A. Arrest - To deprive a person of his liberty by legal authority.
- B. Bias-based 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. For purposes of this policy this term may be used interchangeably with the term "racial profiling."

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Examples of bias-based profiling include, but are not limited to the following:

1. Using racial or ethnic stereotypes as factors in selecting whom to stop and search.
 2. Detaining the driver of a vehicle based on the determination that a person of that race, ethnicity or national origin is unlikely to possess that specific make or model of vehicle.
 3. Detaining an individual based upon the determination that a person of that race, ethnicity or national origin does not belong in a specific part of town or a specific place.
- C. Detention – Any restriction upon a person’s liberty imposed by a peace officer, based upon reasonable suspicion. If the individual is not free to go, the individual will be considered detained.
- * D. Ethnicity – Heritage of a particular decent, including Caucasian, African, Hispanic, Asian, Native American or Middle Eastern decent.
- * E. Motor Vehicle Stop – means an occasion in which a peace officer stops a motor vehicle for an alleged violation of a law or ordinance.

IV. CITATION DATA COLLECTION AND REPORTING

- * A. For each motor vehicle stop in which a citation is issued or an arrest is made as a result of the motor vehicle stop, the peace officer conducting the motor vehicle stop shall collect information identifying the race or ethnicity of the individual detained, stating whether a search was conducted, and if a search was conducted, whether the individual detained consented to the search, and whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual. Motor vehicle stops made pursuant to a pre-existing investigation are exempt from the collection of the above information.
- * B. If an officer chooses to make a discretionary search on a motor vehicle stop, the officer must notify a supervisor prior to the search. The supervisor will be responsible for assuring that an MPD Racial Data Collection scantron form is submitted through the chain of command to the office of Professional Standards.

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- * C. Effective March 1, 2011 the Chief of Police, shall submit a report to the Texas Commission on Law Enforcement and the City Council containing the information compiled during the previous calendar year. The report shall be submitted to TCOLE by March 1 of each year and shall include:
 1. A breakdown of citations by race or ethnicity;
 2. Number of citations that resulted in a search;
 3. Number of searches that were consensual; and
 4. Number of citations that resulted in custodial arrest for this cited violation or any other violation.

- * D. The report shall not include any information identifying the peace officer that has made a motor vehicle stop or any information about an individual who has been stopped or arrested.

V. USE OF VIDEO AND AUDIO EQUIPMENT

- * A. Each motor vehicle stop made by an officer of this department that is capable of being recorded by video and audio, or audio, as appropriate, is recorded.
- B. Officers shall adhere to the mobile video operating procedures outlined in Chapter 8, Section 17, Mobile Video Recording System.
- C. If the equipment used to record audio and/or video of motor vehicle stops is malfunctioning or otherwise not operable, the officer making the stop shall properly record and report the information on the MPD Data Collection scantron form.

VI. COMPLAINT PROCESS

- A. Any person who believes that a peace officer employed by the City of Midland has engaged in bias-based profiling with respect to that person may file a complaint with the Professional Standards Division.
- B. No person shall be discouraged, intimidated, or coerced from filing such a complaint, or be discriminated against because they have filed such a complaint.

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- C. If there is a departmental video or audio recording of the events upon which a complaint of bias-based profiling is based, upon commencement of an investigation by this department into the complaint and written request of the officer made the subject of the complaint, the department shall promptly provide a copy of the recording to that officer.
- D. Dependant on the findings of each complaint as well as the specific factors involved, corrective measures will be taken to remedy violations of this policy. Corrective measures may include but are not limited to training, counseling, policy review, and disciplinary action up to and including termination of employment. (CALEA 1.2.9.c)
- E. Annually, the Professional Standards Division will compile a statistical summary of all bias-based profiling complaints, which will include the outcome of each complaint. The statistical summary will be made a component of the annual published summary of internal investigations provided by the Professional Standards Division.
- F. The statistical summary will be used in an annual administrative analysis of these complaints, which will take into account a review of agency policy and practices, and citizen complaints. (CALEA 1.2.9.d)

VII. SUPERVISOR RESPONSIBILITIES

- A. Supervisors shall ensure that officers follow the policies and procedures outlined in this document. It is the responsibility of supervisors to monitor the activities of their personnel and to identify potential bias-based policing activity.
- B. An on-duty supervisor will promptly respond to an incident when advised that a person is making a complaint alleging profiling or other improper conduct.
- C. Supervisors will be apprised of all bias-based profile complaints involving personnel under their command.
- * D. Supervisors shall randomly review recordings of their officers to assist in periodic assessment of officer performance, determine whether MVR equipment is being fully and properly used, and identify material that may be appropriate for use in training.
- * E. Supervisors will be particularly alert to potential patterns and practices of their personnel that may indicate bias-based profiling and treatment of individuals.

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Chapter 2 Section 6 Biased-Based Profiling		

- * F. Supervisors will document in their monthly report which officer's recordings were randomly reviewed and the results of the review.

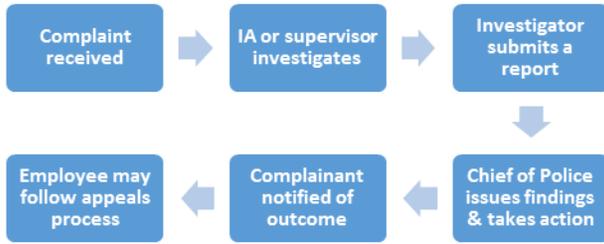
VIII. TRAINING

Officers of the department will receive training regarding bias-based profiling related issues according to TCOLE guidelines. (CALEA 1.2.9.b)

IX. PUBLIC EDUCATION

This department will inform the public of its policy against racial profiling and the complaint process. Methods that may be utilized to inform the public are the news media, radio, service or civic presentations, the Internet, as well as governing board meetings. Additionally, information will be made available as appropriate in languages other than English.

The complaint resolution process.



Type of complaint, prohibited.

A citizen making a false complaint against an employee or police officer is prohibited. Citizens should be aware that this is a violation of the Texas Penal Code. In section 37.03 the offense is a felony of the third degree.

A person convicted under this section may be imprisoned in The Texas Department of Criminal Justice for any term of not more than ten (10) years or less than two (2) years and a fine not to exceed \$10,000.00.

This information is not intended to intimidate citizens or prevent valid complaints, simply stated to avoid revenge against police officers or employees.

What if you are not satisfied with the decision?

If you are not satisfied with the results of the investigation, you may appeal to:

- The Chief of Police, or Deputy Chiefs of Police, located at The Midland Police Department.
- The City Manager, 300 N. Loraine.
- The District Attorney, 500 N. Loraine (if criminal charges are to be filed).
- The Federal Bureau of Investigation, 1004 N. Big Spring (if civil rights violation charges are to be filed).

The Midland Police Department is interested in the welfare of all citizens and in taking action on its employees have proven to be less than professional in their duties. If it is necessary for

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you to make a complaint, you can be assured it will be given a fair and thorough investigation.

Information:

MPD Web site address

<https://tx-midland.civicplus.com/237/Police>

Police Administration Office
(432) 685-7103

Internal Affairs Office and Web site
(432) 685-7105

<https://tx-midland.civicplus.com/320/Internal-Affairs>

Personnel / Recruiting and Web site
(432) 685-7590

<https://tx-midland.civicplus.com/291/Become-a-Police-Officer>

24-Hour Information Desk
(432) 685-7108

24-Hour Shift Supervisor
(432) 685-7111

Mayor's Office
(432) 686-5000

City Manager's Office
(432) 685-7202



**Professionalism • Integrity
Respect • Accountability
Vigilance**

Midland Police Department

**601 N. Loraine
Midland, Texas 79701**



**Price Robinson
Chief of Police**



Mission Statement

The Midland Police Department will develop personnel and manage resources to promote effective partnerships with the community to improve the quality of life through the delivery of fair and impartial police services while maintaining an atmosphere of respect for human dignity.

Your comments are important.

The Midland Police Department is dedicated to providing the best police service possible to all citizens. Your police officers are carefully selected and given the best training possible. In order for the Department to continue to provide this service we ask for your participation. This is accomplished through your commendations, questions, and complaints.

When a member of the Midland Police Department has helped you, we encourage you to commend or compliment the performance of that person. However, you may have occasion to lodge a complaint about unprofessional or an otherwise unpleasant experience you may have had with a member of the Department.

The Midland Police Department is proud to serve you and your comments are valuable to us. We will continue to promote an atmosphere of cooperation and trust with those we serve and if it becomes necessary for you to register a complaint, you can be assured that it will be given a fair and thorough investigation.

Commending an employee.

When you want to say "Thank You" for a job well done, please come to the Midland Police Department, call the Internal Affairs Office at 432-685-7105 or send a letter/email to us at the attention of Internal Affairs.

Midland Police Department • Attn: Internal Affairs
601 N. Loraine, Midland, Texas 79701

Internal.Affairs@midlandtexas.gov

When saying thank you, try to remember the name of employee and the circumstances of how you were

helped. The incident will be reviewed and the employees will be recognized for their actions.



Voicing a complaint.

A citizen may file a complaint against a member of the Midland Police Department in several different ways. First you may come in person to the Midland Police Department and meet with Internal Affairs between 8:00 A.M. to 5:00 P.M. Monday through Friday or contact any supervisor 24 hours a day. A citizen may also elect to file their complaint at the City Manager's Office located at 300 N. Loraine between 8:00 A.M. to 5:00 P.M. You may also voice your complaint by email or by a phone call by contacting the Internal Affairs office at Internal.Affairs@midlandtexas.gov or 432-685-7105.

Texas Government Code Sec. 614.022 requires that all complaints against police officers must be in writing and signed by the person making the complaint. Also, Sec. 614.023 requires the employee must be given a copy of the complaint before any disciplinary action may be taken.

The person who claims to be aggrieved must be the one making the complaint unless the person is a juvenile. Other persons may give statements as witnesses.

The Internal Affairs Sergeant or a supervisor will conduct a thorough investigation of your complaint and the complainant will be advised of the outcome of the investigation.

Biased-based Profiling.

The Midland Police Department accepts complaints from any person who believes he or she has been stopped or searched based on race, national origin, citizenship, religion, ethnicity, age or gender. It is the policy of the Department that no person shall be discouraged, intimidated or coerced from filing a complaint, nor discriminated against because he or she filed such a complaint.

After a thorough investigation and dependent on the investigation findings, corrective measures will be taken to remedy violations of Midland Police Department Policy. These measures may include but are not limited to training, counseling, policy review, and disciplinary action up to and including termination of employment.

Annually, the Professional Standards Division will compile a statistical summary of all bias-based profiling complaints, which will include the outcome of each complaint. This will be published with the annual summary of internal investigations.

Proceso de resolución de denuncias.



Tipo de denuncias que se prohíben.

Es prohibido que un ciudadano levante una denuncia falsa contra un empleado u oficial policiaco. Los ciudadanos deben estar al tanto que esto es un delito del Código Penal de Texas. En la sección 37.03 este delito es una felonía de tercer grado.

Una persona condenada bajo esta sección puede ser encarcelada en el Departamento de Justicia Criminal de Texas por un término de no más de diez (10) años o menos de dos (2) años y recibir una multa que no exceda \$10,000.00.

Esta información no tiene la intención de intimidar a los ciudadanos o evitar denuncias validas, sino es para evitar la venganza contra los oficiales o empleados.

¿Qué puede hacer si usted no está satisfecho con la decisión?

Si usted no está satisfecho con el resultado de la investigación, usted puede solicitar su apelación a:

- Jefe de policía o jefes de segundo rango de la policía localizados en el departamento de policía de Midland
- El Gerente de la ciudad, 300 N. Loraine

- Al Fiscal del Distrito, 500 N. Loraine (si es necesario levantar acta de cargos criminales)
- Al Departamento Federal de Investigaciones, 1004 N. Big Spring (si es necesario levantar acta de infracción de derechos civiles)

El departamento de policía de Midland está interesado en el bienestar de todo ciudadano y en tomar acción cuando sus empleados hayan demostrado falta de ser profesionales en sus deberes. Si llega a ser necesario que usted delate una denuncia, puede estar seguro que se le proveerá una investigación completa y a fondo.

Información:

Sitio web del departamento de policía de Midland

<https://tx-midland.civicplus.com/237/Police>

Oficina de Administración de Policía
(432) 685-7103

Oficina de Asuntos Internos y sitio Web
(432) 685-7105
<https://tx-midland.civicplus.com/320/Internal-Affairs>

Personal / Reclutamiento y sitio Web
(432) 685-7590
<https://tx-midland.civicplus.com/291/Become-a-Police-Officer>

Oficina de información 24 horas
(432) 685-7108

Supervisor de turno 24 horas
(432) 685-7111

Oficina del Alcalde
(432) 686-5000

La Oficina del Gerente de la Ciudad
(432) 685-7202



**Profesionalismo • Integridad
Respeto • Obligación de dar
Cuenta • Vigilancia**

Departamento de Policía de Midland

**601 N. Loraine
Midland, Texas 79701**



**Price Robinson
Jefe de Policía**



La Declaración de Nuestra Misión

El departamento de policía de Midland desarrollara empleados y administrara recursos para promover cooperación efectiva con la comunidad para mejorar la calidad de vida al proveer su servicio de seguridad pública en manera justa e imparcial al mantener una atmosfera de respeto a la dignidad humana.

Lo que usted tiene que decirnos, nos es importante

El departamento de policía de Midland se dedica a proveer el mejor servicio policiaco posible a todo ciudadano. Sus oficiales son cuidadosamente seleccionados y se les da el mejor entrenamiento posible. Pedimos su participación para que el departamento continúe proveyendo este servicio. Esto se logra tras sus elogios, preguntas y denuncias.

Cuando un empleado del departamento de policías de Midland le ha ayudado, le animamos que elogie o de su complemento del acto de ese empleado. Todo en cuanto, también se le puede presentar la necesidad de declarar una denuncia contra un empleado del departamento por falta de comportarse profesionalmente o por hacerle pasar una experiencia desagradable.

El departamento de policía de Midland esta orgullosos de servirle y su contribución es de gran valor para nosotros. Continuaremos proveyendo una atmosfera de cooperación y confianza con usted y si le es necesario delatar alguna denuncia, puede estar seguro que se le dará una investigación justa y detallada.

Como elogiar a nuestros empleados

Cuando usted quiera decir "Gracias" por una obra bien hecha, por favor, venga al departamento de policía de Midland, llame a la Oficina de Asuntos Internos al 432-685-7105 o mándenos una carta/e-mail con atención a Asuntos Internos.

Cuando este mandando un mensaje de gratitud, intente de recordar el nombre del empleado y las circunstancias de cómo le ayudo. Se revisara el incidente y al empleado se le dará reconocimiento por su desempeño.



Como levantar una denuncia

Se puede levantar una denuncia por un ciudadano contra un empleado en una de varias maneras. Primero, puede presentarse en persona al departamento de policía de Midland y reunirse con Asunto Internos entre las 8:00 A.M. a las 5:00 P.M. de lunes a viernes. Segundo, puede presentar su denuncia con cualquier supervisor las 24 horas del día. Tercero, un ciudadano puede elegir de dar su denuncia a la oficina del Gerente de la ciudad localizado en el 300 N. Loraine entre las 8:00 A.M. a las 5:00 P.M. de lunes a

viernes. Por último, puede enviar su denuncia tras e-mail a Internal.Affairs@midlandtexas.gov o por teléfono dirigiéndose a la oficina de Asuntos Internos a 432-685-7105.

EL Código de Gobierno de Texas sección 614.022 requiere que toda denuncia en contra de un oficial policiaco tiene que ser por escrito y firmado por la persona quien está declarando tal denuncia. También, la sección 614.023 requiere que al empleado se le provea una copia de la denuncia antes que se pueda tomar cualquier acto disciplinario.

La persona que alega ser ofendida debe ser la que declare la denuncia, a menos que, la persona sea un menor de edad. Cualquier otra persona solamente puede levantar acta como testigo.

El sargento de Asuntos Internos u otro supervisor conducirán una investigación detallada de su denuncia y se le informara al denunciante el resultado de la investigación.

Perfil basado en prejuicio

El departamento de policía de Midland acepta denuncias de cualquier persona quien cree que él/ella ha sido detenido o registrado basado en su raza, origen nacional, ciudadanía, religión, etnicidad, edad o género. Es la póliza de este departamento que ninguna persona será desanimada, intimidada u obligada de delatar una denuncia, ni discriminada porque él/ella delato tal denuncia.

Después de una investigación detallada y dependiente en las evidencias de la misma, los medios apropiados se tomaran para remediar las infracciones de los reglamentos del departamento de policía de Midland. Estos medios pueden incluir, pero no se limitan, a entrenamiento, consejería, revisión del reglamento y aplicar disciplina hasta e incluyendo la despedida de empleo.

Anualmente, la División de Estándares Profesionales compilara un resumen estadístico de toda denuncia del perfil basado en prejuicio que incluirá el resultado de cada denuncia. Esto será publicado con el resumen anual de investigaciones internas.



MIDLAND POLICE DEPARTMENT

INTERNAL AFFAIRS

Complaint Form

Date Reported:		Time Reported:		Officer Receiving Complaint:			Method of Complaint: <input type="checkbox"/> In Person <input type="checkbox"/> Telephone <input type="checkbox"/> Letter			
Complainant's Full Name:				Race:	Sex:	D.O.B:	Driver's License Number:		Other Identification:	
Complainant's Home Address:				Home Phone:		Place of Employment:			Business Phone:	
Date of Incident:		Time:	Location of Incident:				Was complainant arrested? <input type="checkbox"/> YES <input type="checkbox"/> NO		Complaint / Case #	
#1 Witness				Address:			Telephone:		Place of Employment:	
#2 Witness				Address:			Telephone:		Place of Employment:	
#3 Witness				Address:			Telephone:		Place of Employment:	

NAME OR IDENTIFIERS OF MIDLAND POLICE EMPLOYEE(S) AGAINST WHO THE ALLEGATION(S) IS/ARE BEING MADE:

No. 1 Name or description:			Bureau:		Job Title:	
No. 2 Name or description:			Bureau:		Job Title:	

NOTICE TO COMPLAINANT

You are informed that a sworn, written statement of fact (an affidavit) will be solicited. Though a sworn affidavit is preferred and requested, you are assured that your complaint will be fully investigated as far as practical in the absence of such an affidavit. (The Texas Government Code, Section 614.022, provides that all complaints to be considered on law enforcement officers must be in writing and signed by the person making the complaint.)

TEXAS GOVERNMENT CODE:

Sec. 614.022. Complaint to be in writing and signed by complainant. To be considered by the head of a state agency or by the head of a fire department or local law enforcement agency, the complaint must be: (1) in writing; and (2) signed by the person making the complaint.

Sec. 614.023. Copy of complaint to be given to officer or employee. (a) A copy of a signed complaint against a law enforcement officer of this state or a fire fighter, detention officer, county jailer, or peace officer appointed or employed by a political subdivision of this state shall be given to the officer or employee within a reasonable time after the complaint is filed. (b) Disciplinary action may not be taken against the officer or employee unless a copy of the signed complaint is given to the officer or employee. (c) In addition to the requirement of Subsection (b), the officer or employee may not be indefinitely suspended or terminated from employment based on the subject matter of the complaint unless: (1) the complaint is investigated; and (2) there is evidence to prove the allegation of misconduct.

TEXAS STATE PENAL CODE:

Sec. 37.02 Perjury. (a) A person commits an offense if, with intent to deceive and with knowledge of the statement's meaning: (1) he makes a false statement under oath or swears to the truth of a false statement previously made and the statement is required or authorized by law to be made under oath; or (2) he makes a false unsworn declaration under Chapter 132, Civil Practice and Remedies Code. (b) An offense under this section is a Class A misdemeanor.

Sec. 37.03. Aggravated Perjury. (a) A person commits an offense if he commits perjury as defined in Section 37.02, and the false statement: (1) is made during or in connection with an official proceeding; and (2) is material. (b) An offense under this section is a felony of the third degree.

Sec. 37.08. False Report To Peace Officer, or Law Enforcement Employee. (a) A person commits an offense if, with intent to deceive, he knowingly makes a false statement that is material to a criminal investigation and makes the statement to: (1) a peace officer or federal special investigator conducting the investigation; or (2) any employee of a law enforcement agency that is authorized by the agency to conduct the investigation and that the actor knows is conducting the investigation. (b) In this section, "law enforcement agency" has the meaning assigned by Article 59.01, Code of Criminal Procedure. (c) An offense under this section is a Class B misdemeanor.

***By signing below, the complainant is acknowledging having read and understood the foregoing NOTICE TO COMPLAINANT and understands the penalties for making a false statement.**

Signature of Complainant: _____

COPY PRESENTED TO EMPLOYEE

I have received a copy of this complaint on this date.				Presented by:			
Employee Signature:							
Supervisor Assigned:		Rank	PIN	Bureau:		Division:	
Investigator Assigned:		Rank	PIN	Date Assigned:		Assigned by:	

Appendix C

Racial Profiling Laws and Corresponding Department Policies

Texas CCP Article	MIDLAND POLICE DEPARTMENT Biased- Based Profiling
2.132(b)1	Section III, Definitions
2.132(b)2	Section II, General Policy
2.132(b)3	Section VI, Complaint Process
2.132(b)4	Section IX, Public Education
2.132(b)5	Section VI, Complaint Process
2.132(b)6	Section IV, Citation Data Collection & Reporting
2.132(b)7	Section IV, Citation Data Collection & Reporting