Annual Contact Report
2017
The Bryan Police Department
(I) Introduction
Opening Statement
January 7, 2018

Bryan City Council
300 S. Texas Avenue
Bryan, Texas 77803

Dear Distinguished Members of the City Council,

The Texas Legislature, with the intent of addressing the issue of racial profiling in policing, enacted in 2001 the Texas Racial Profiling Law. Since then, the Bryan Police Department, in accordance with the law, has collected and reported traffic and motor vehicle-related contact data for the purpose of identifying and addressing (if necessary) areas of concern regarding racial profiling practices. In the 2009 Texas legislative session, the Racial Profiling Law was modified and additional requirements were implemented. Moreover, in 2017, the Sandra Bland Act was passed and signed into law (along with HB 3051 which introduced new racial and ethnic designations). The Sandra Bland Law requires for all law enforcement agencies in the state to collect additional data and provide a more detailed analysis.

This particular report contains three sections with information on traffic and motor vehicle-related contact data. In addition, when appropriate, documentation is also a component of this report, aiming at demonstrating the manner in which the Bryan Police Department has complied with the Texas Racial Profiling Law. In section 1, you will find the table of contents in addition to the Texas Senate Bill (SB1074); which later became the Texas Racial Profiling Law. In addition, you will find the Texas HB 3389, which, in 2009, introduced new requirements relevant to racial profiling as well as the Sandra Bland Act. Also, in this section, a list of requirements relevant to the Racial Profiling Law as established by TCOLE (Texas Commission on Law Enforcement) is included. In addition, you will find, in sections 2 and 3 documentation which demonstrates compliance by the Bryan Police Department relevant to the requirements as established in the Texas Racial Profiling Law. That is, you will find documents relevant to the implementation of an institutional policy banning racial profiling, the incorporation of a racial profiling complaint process and the training administered to all law enforcement personnel.

The last section of this report provides statistical data relevant to contacts, made during the course of motor vehicle stops, between 1/1/17 and 12/31/17. In addition, this section contains the TCOLE Tier 1 form, which is required to be submitted to this particular organization by March 1st of each year. The data in this report has been analyzed and compared to data derived from the U.S. Census Bureau’s Fair Roads Standard. The final analysis and recommendations are also included in this report. The findings in this report serve as evidence of the Bryan Police Department’s commitment to comply with the Texas Racial Profiling Law.

Sincerely,

Alex del Carmen, Ph.D.
Del Carmen Consulting, LLC
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TCOLE GUIDELINES
Guidelines for Compiling and Reporting Data under Senate Bill 1074

Background
Senate Bill 1074 of the 77th Legislature established requirements in the Texas Code of Criminal Procedure (TCCP) for law enforcement agencies. The Commission developed this document to assist agencies in complying with the statutory requirements.

The guidelines are written in the form of standards using a style developed from accreditation organizations including the Commission on Accreditation for Law Enforcement Agencies (CALEA). The standards provide a description of what must be accomplished by an agency but allows wide latitude in determining how the agency will achieve compliance with each applicable standard.

Each standard is composed of two parts: the standard statement and the commentary. The standard statement is a declarative sentence that places a clear-cut requirement, or multiple requirements, on an agency. The commentary supports the standard statement but is not binding. The commentary can serve as a prompt, as guidance to clarify the intent of the standard, or as an example of one possible way to comply with the standard.

Standard 1
Each law enforcement agency has a detailed written directive that:
- clearly defines acts that constitute racial profiling;
- strictly prohibits peace officers employed by the agency from engaging in racial profiling;
- implements a process by which an individual may file a complaint with the agency if the individual believes a peace officer employed by the agency has engaged in racial profiling with respect to the individual filing the complaint;
- provides for public education relating to the complaint process;
- requires appropriate corrective action to be taken against a peace officer employed by the agency who, after investigation, is shown to have engaged in racial profiling in violation of the agency’s written racial profiling policy; and
- requires the collection of certain types of data for subsequent reporting.

Commentary
Article 2.131 of the TCCP prohibits officers from engaging in racial profiling, and article 2.132 of the TCCP now requires a written policy that contains the elements listed in this standard. The article also specifically defines a law enforcement agency as it applies to this statute as an “agency of the state, or of a county, municipality, or other political subdivision of the state, that employs peace officers who make traffic stops in the routine performance of the officers’ official duties.”

The article further defines race or ethnicity as being of “a particular descent, including Caucasian, African, Hispanic, Asian, or Native American.” The statute does not limit the required policies to just these ethnic groups.

This written policy is to be adopted and implemented no later than January 1, 2002.
Standard 2
Each peace officer who stops a motor vehicle for an alleged violation of a law or ordinance regulating traffic, or who stops a pedestrian for any suspected offense reports to the employing law enforcement agency information relating to the stop, to include:
- a physical description of each person detained, including gender and the person’s race or ethnicity, as stated by the person, or, if the person does not state a race or ethnicity, as determined by the officer’s best judgment;
- the traffic law or ordinance alleged to have been violated or the suspected offense;
- whether the officer conducted a search as a result of the stop and, if so, whether the person stopped consented to the search;
- whether any contraband was discovered in the course of the search, and the type of contraband discovered;
- whether probable cause to search existed, and the facts supporting the existence of that probable cause;
- whether the officer made an arrest as a result of the stop or the search, including a statement of the offense charged;
- the street address or approximate location of the stop; and
- whether the officer issued a warning or citation as a result of the stop, including a description of the warning or a statement of the violation charged.

Commentary
The information required by 2.133 T CCP is used to complete the agency reporting requirements found in Article 2.134. A peace officer and an agency may be exempted from this requirement under Article 2.135 T CCP Exemption for Agencies Using Video and Audio Equipment. An agency may be exempt from this reporting requirement by applying for the funds from the Department of Public Safety for video and audio equipment and the State does not supply those funds. Section 2.135 (a)(2) states, “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 for video and audio equipment sufficient, as determined by the department, for the agency to accomplish that purpose.”

Standard 3
The agency compiles the information collected under 2.132 and 2.133 and analyzes the information in 2.133.

Commentary
Senate Bill 1074 from the 77th Session of the Texas Legislature created requirements for law enforcement agencies to gather specific information and to report it to each county or municipality served. New sections of law were added to the Code of Criminal Procedure regarding the reporting of traffic and pedestrian stops. Detained is defined as when a person stopped is not free to leave.

Article 2.134 T CCP requires the agency to compile and provide and analysis of the information collected by peace officer employed by the agency. The report is provided to the governing body of the municipality or county no later than March 1 of each year and covers the previous calendar year.

There is data collection and reporting required based on Article 2.132 CCP (tier one) and Article 2.133 CCP (tier two).
The minimum requirements for “tier one” data for traffic stops in which a citation results are:
1) the race or ethnicity of individual detained (race and ethnicity as defined by the bill means of “a particular
descent, including Caucasian, African, Hispanic, Asian, or Native American”);
2) whether a search was conducted, and if there was a search, whether it was a consent search or a probable
cause search; and
3) whether there was a custody arrest.

The minimum requirements for reporting on “tier two” reports include traffic and pedestrian stops. Tier two data
include:
1) the detained person’s gender and race or ethnicity;
2) the type of law violation suspected, e.g., hazardous traffic, non-hazardous traffic, or other criminal
investigation (the Texas Department of Public Safety publishes a categorization of traffic offenses into
hazardous or non-hazardous);
3) whether a search was conducted, and if so whether it was based on consent or probable cause;
4) facts supporting probable cause;
5) the type, if any, of contraband that was collected;
6) disposition of the stop, e.g., arrest, ticket, warning, or release;
7) location of stop and
8) statement of the charge, e.g., felony, misdemeanor, or traffic.

Tier one reports are made to the governing body of each county or municipality served by the agency an annual
report of information if the agency is an agency of a county, municipality, or other political subdivision of the state.
Tier one and two reports are reported to the county or municipality not later than March 1 for the previous calendar
year beginning March 1, 2003. Tier two reports include a comparative analysis between the race and ethnicity of
persons detained to see if a differential pattern of treatment can be discerned based on the disposition of stops
including searches resulting from the stops. The reports also include information relating to each complaint filed
with the agency alleging that a peace officer employed by the agency has engaged in racial profiling. An agency
may be exempt from the tier two reporting requirement by applying for the funds from the Department of Public
Safety for video and audio equipment and the State does not supply those funds [See 2.135 (a)(2) TCPP].

Reports should include both raw numbers and percentages for each group. Caution should be exercised in
interpreting the data involving percentages because of statistical distortions caused by very small numbers in any
particular category, for example, if only one American Indian is stopped and searched, that stop would not provide
an accurate comparison with 200 stops among Caucasians with 100 searches. In the first case, a 100% search rate
would be skewed data when compared to a 50% rate for Caucasians.

**Standard 4**

If a law enforcement agency has video and audio capabilities in motor vehicles regularly used for
traffic stops, or audio capabilities on motorcycles regularly used to make traffic stops, the
agency:
- adopts standards for reviewing and retaining audio and video documentation; and
- promptly provides a copy of the recording to a peace officer who is the subject of a
complaint on written request by the officer.

**Commentary**

The agency should have a specific review and retention policy. Article 2.132 TCCP specifically requires that the
peace officer be promptly provided with a copy of the audio or video recordings if the officer is the subject of a
complaint and the officer makes a written request.

**Standard 5**

Agencies that do not currently have video or audio equipment must examine the feasibility of
installing such equipment.
Commentary
None

Standard 6
Agencies that have video and audio recording capabilities are exempt from the reporting requirements of Article 2.134 TCCP and officers are exempt from the reporting requirements of Article 2.133 TCCP provided that:

- the equipment was in place and used during the proceeding calendar year; and
- video and audio documentation is retained for at least 90 days.

Commentary
The audio and video equipment and policy must have been in place during the previous calendar year. Audio and video documentation must be kept for at least 90 days or longer if a complaint has been filed. The documentation must be retained until the complaint is resolved. Peace officers are not exempt from the requirements under Article 2.132 TCCP.

Standard 7
Agencies have citation forms or other electronic media that comply with Section 543.202 of the Transportation Code.

Commentary
Senate Bill 1074 changed Section 543.202 of the Transportation Code requiring citations to include:

- race or ethnicity, and
- whether a search of the vehicle was conducted and whether consent for the search was obtained.
The Texas Law on Racial Profiling
AN ACT

relating to the prevention of racial profiling by certain peace officers.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF

TEXAS:

SECTION 1. Chapter 2, Code of Criminal Procedure, is amended by
adding Articles 2.131 through 2.138 to read as follows:

Art. 2.131. RACIAL PROFILING PROHIBITED. A peace officer
may not engage in racial profiling.

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 traffic stops in the routine performance of the officers' official duties.

(2) "Race or ethnicity" means of a particular descent,
including Caucasian, African, Hispanic, Asian, or Native American 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 traffic stops in which a citation is issued and to arrests resulting from those traffic stops, including information relating to:

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

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

(7) require the agency to submit to the governing body of each county or municipality served by the agency an annual report of the information collected under Subdivision (6) 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 traffic stops and transmitter-activated equipment in each agency law enforcement motorcycle regularly used to make traffic 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 traffic 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.

Art. 2.133. REPORTS REQUIRED FOR TRAFFIC AND PEDESTRIAN STOPS. (a) In this article:

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

(2) "Pedestrian stop" means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.

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

(1) a physical description of each person 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 traffic law or ordinance alleged to have been violated or the suspected offense;
(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 was discovered in the course of the search and the type of contraband discovered;

(5) whether probable cause to search existed and the facts supporting the existence of that probable cause;

(6) whether the officer made an arrest as a result of the stop or the search, including a statement of the offense charged;

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

(8) whether the officer issued a warning or a citation as a result of the stop, including a description of the warning or a statement of the violation charged.

Art. 2.134. COMPILATION AND ANALYSIS OF INFORMATION COLLECTED. (a) In this article, "pedestrian stop" means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.

(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 local law enforcement agency shall submit a report containing the information compiled during the previous calendar year to the governing body of each county or municipality served by the agency in a manner approved by the agency.

(c) A report required under Subsection (b) must include:

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

(A) determine the prevalence of racial profiling by peace officers employed by the agency; and
(B) examine the disposition of traffic and
pedestrian stops made by officers employed by the agency, including searches resulting from the
stops; 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 traffic or pedestrian 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 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.

Art. 2.135. EXEMPTION FOR AGENCIES USING VIDEO AND
AUDIO EQUIPMENT. (a) A peace officer is exempt from the reporting requirement under
Article 2.133 and a law enforcement agency 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 traffic and pedestrian stops is equipped with
video camera and transmitter-activated equipment and each law enforcement motorcycle
regularly used to make traffic and pedestrian stops is equipped with transmitter-activated
equipment; and
(B) each traffic and pedestrian 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 traffic and pedestrian 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 traffic or pedestrian 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.

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.

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).

Art. 2.138. RULES. The Department of Public Safety may adopt rules to implement Articles 2.131-2.137.

SECTION 2. Chapter 3, Code of Criminal Procedure, is amended by adding Article 3.05 to read as follows:
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.

SECTION 3. Section 96.641, Education Code, is amended by adding Subsection (j) to read as follows:

(j) As part of the initial training and continuing education for police chiefs required under this section, the institute shall establish a program on racial profiling. The program must include an examination of the best practices for:

(1) monitoring peace officers' compliance with laws and internal agency policies relating to racial profiling;

(2) implementing laws and internal agency policies relating to preventing racial profiling; and

(3) analyzing and reporting collected information.

SECTION 4. Section 1701.253, Occupations Code, is amended by adding Subsection (e) to read as follows:

(e) As part of the minimum curriculum requirements, the commission shall establish a statewide comprehensive education and training program on racial profiling for officers licensed under this chapter. An officer shall complete a program established under this subsection not later than the second anniversary of the date the officer is licensed under this chapter or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier.

SECTION 5. Section 1701.402, Occupations Code, is amended by adding Subsection (d) to read as follows:

(d) As a requirement for an intermediate proficiency certificate, an officer must complete an education and training program on racial profiling established by the commission under Section 1701.253(e).
SECTION 6. Section 543.202, Transportation Code, is amended to read as follows:

Sec. 543.202. FORM OF RECORD. (a) In this section, "race or ethnicity" means of a particular descent, including Caucasian, African, Hispanic, Asian, or Native American descent.

(b) The record must be made on a form or by a data processing method acceptable to the department and must include:

(1) the name, address, physical description, including race or ethnicity, date of birth, and driver's license number of the person charged;

(2) the registration number of the vehicle involved;

(3) whether the vehicle was a commercial motor vehicle as defined by Chapter 522 or was involved in transporting hazardous materials;

(4) the person's social security number, if the person was operating a commercial motor vehicle or was the holder of a commercial driver's license or commercial driver learner's permit;

(5) the date and nature of the offense, including whether the offense was a serious traffic violation as defined by Chapter 522;

(6) whether a search of the vehicle was conducted and whether consent for the search was obtained;

(7) the plea, the judgment, and whether bail was forfeited;

(8) [§(7)] the date of conviction; and

(9) [§(8)] the amount of the fine or forfeiture.

SECTION 7. Not later than January 1, 2002, a law enforcement agency shall adopt and implement a policy and begin collecting information under the policy as required by Article 2.132, Code of Criminal Procedure, as added by this Act. A local law enforcement agency shall first submit information to the governing body of each county or municipality served by the agency as required by Article 2.132, Code of Criminal Procedure, as
added by this Act, on March 1, 2003. The first submission of information shall consist of information compiled by the agency during the period beginning January 1, 2002, and ending December 31, 2002.

SECTION 8. A local law enforcement agency shall first submit information to the governing body of each county or municipality served by the agency as required by Article 2.134, Code of Criminal Procedure, as added by this Act, on March 1, 2004. The first submission of information shall consist of information compiled by the agency during the period beginning January 1, 2003, and ending December 31, 2003.

SECTION 9. Not later than January 1, 2002:

(1) the Commission on Law Enforcement Officer Standards and Education shall establish an education and training program on racial profiling as required by Subsection (e), Section 1701.253, Occupations Code, as added by this Act; and

(2) the Bill Blackwood Law Enforcement Management Institute of Texas shall establish a program on racial profiling as required by Subsection (j), Section 96.641, Education Code, as added by this Act.

SECTION 10. A person who on the effective date of this Act holds an intermediate proficiency certificate issued by the Commission on Law Enforcement Officer Standards and Education or has held a peace officer license issued by the Commission on Law Enforcement Officer Standards and Education for at least two years shall complete an education and training program on racial profiling established under Subsection (e), Section 1701.253, Occupations Code, as added by this Act, not later than September 1, 2003.

SECTION 11. An individual appointed or elected as a police chief before the effective date of this Act shall complete a program on racial profiling established under Subsection (j), Section 96.641, Education Code, as added by this Act, not later than September 1, 2003.

SECTION 12. This Act takes effect September 1, 200
President of the Senate

I hereby certify that S.B. No. 1074 passed the Senate on April 4, 2001, by the following vote: Yeas 28, Nays 2; May 21, 2001, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 22, 2001, House granted request of the Senate; May 24, 2001, Senate adopted Conference Committee Report by a viva-voce vote.

Secretary of the Senate

I hereby certify that S.B. No. 1074 passed the House, with amendments, on May 15, 2001, by a non-record vote; May 22, 2001, House granted request of the Senate for appointment of Conference Committee; May 24, 2001, House adopted Conference Committee Report by a non-record vote.

Chief Clerk of the House

Approved:

Date

Governor
Modifications to the Original Law
(H.B. 3389)
Amend CSHB 3389 (Senate committee report) as follows:

(1) Strike the following SECTIONS of the bill:
   (A) SECTION 8, adding Section 1701.164, Occupations
   Code (page 4, lines 61-66);
   (B) SECTION 24, amending Article 2.132(b), Code of
   Criminal Procedure (page 8, lines 19-53);
   (C) SECTION 25, amending Article 2.134(b), Code of
   Criminal Procedure (page 8, lines 54-64);
   (D) SECTION 28, providing transition language for the
   amendments to Articles 2.132(b) and 2.134(b), Code of Criminal
   Procedure (page 9, lines 40-47).

(2) Add the following appropriately numbered SECTIONS to
the bill and renumber subsequent SECTIONS of the bill accordingly:
   SECTION ____. Article 2.132, Code of Criminal Procedure, is
amended by amending Subsections (a), (b), (d), and (e) and adding
Subsection (g) to read as follows:
   (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
      [traffic] 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 [traffic] stops in which a citation is issued and to
      arrests made as a result of [resulting from] those [traffic] stops,
      including information relating to:
      (A) the race or ethnicity of the individual
      detained; and
      (B) whether a search was conducted and, if so,
whether the individual [person] 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 [to the governing body of each county or municipality served by the agency] 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.

(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 traffic stops and transmitter-activated equipment in each agency law enforcement motorcycle regularly used to make motor vehicle traffic 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 traffic 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).

(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.

SECTION ___. Article 2.133, Code of Criminal Procedure, is amended to read as follows:

Art. 2.133. REPORTS REQUIRED FOR MOTOR VEHICLE [TRAFFIC AND PEDESTRIAN] STOPS. (a) In this article, "race[+] [++]" means race or ethnicity has the meaning assigned by Article 2.132(a).

(2) "Pedestrian stop" means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.

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

(1) a physical description of any [each] 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 [traffic law or ordinance alleged to have been violated or the suspected offense];

(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 [the type or the contraband or evidence discovered];

(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 [existed and the facts supporting the existence of that probable cause];

(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[, including a description of the warning or a statement of the violation charged].

SECTION ___. Article 2.134, Code of Criminal Procedure, is amended by amending Subsections (a) through (e) and adding Subsection (g) to read as follows:

(a) In this article:

(1) "Motor vehicle[; "pedestrian] stop" has the meaning assigned by Article 2.132(a) [means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest].

(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 [local] law enforcement agency shall submit a report containing the incident-based data [information] 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 [in a manner approved 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 [determine the prevalence of racial profiling by peace officers employed by the agency]; and

(B) examine the disposition of motor vehicle [traffic and pedestrian] 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 [the] 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 [traffic or pedestrian] 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.

(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.

SECTION ___. Article 2.135, Code of Criminal Procedure, is amended to read as follows:

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 [traffic and pedestrian] stops is equipped with video camera and transmitter-activated equipment and each law enforcement motorcycle regularly used to make motor vehicle [traffic and pedestrian] stops is equipped with transmitter-activated equipment; and

(B) each motor vehicle [traffic and pedestrian] 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 [traffic or pedestrian] 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 [traffic or pedestrian] 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).

SECTION ____. Chapter 2, Code of Criminal Procedure, is amended by adding Article 2.1385 to read as follows:

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.

SECTION ____. Subchapter A, Chapter 102, Code of Criminal Procedure, is amended by adding Article 102.022 to read as follows:

Art. 102.022. COSTS ON CONVICTION TO FUND STATEWIDE REPOSITORY FOR DATA RELATED TO CIVIL JUSTICE. (a) In this article, "moving violation" means an offense that:

(1) involves the operation of a motor vehicle; and
(2) is classified as a moving violation by the Department of Public Safety under Section 708.052, Transportation Code.

(b) A defendant convicted of a moving violation in a justice court, county court, county court at law, or municipal court shall pay a fee of 10 cents as a cost of court.

(c) In this article, a person is considered convicted if:

(1) a sentence is imposed on the person;
(2) the person receives community supervision, including deferred adjudication; or
(3) the court defers final disposition of the person's case.

(d) The clerks of the respective courts shall collect the costs described by this article. The clerk shall keep separate records of the funds collected as costs under this article and shall deposit the funds in the county or municipal treasury, as appropriate.

(e) The custodian of a county or municipal treasury shall:

(1) keep records of the amount of funds on deposit collected under this article; and
(2) send to the comptroller before the last day of the first month following each calendar quarter the funds collected under this article during the preceding quarter.

(f) A county or municipality may retain 10 percent of the funds collected under this article by an officer of the county or municipality as a collection fee if the custodian of the county or municipal treasury complies with Subsection (e).

(g) If no funds due as costs under this article are deposited in a county or municipal treasury in a calendar quarter, the custodian of the treasury shall file the report required for the quarter in the regular manner and must state that no funds were collected.

(h) The comptroller shall deposit the funds received under this article to the credit of the Civil Justice Data Repository fund in the general revenue fund, to be used only by the Commission on Law Enforcement Officer Standards and Education to implement duties under Section 1731.162, Occupations Code.

(i) Funds collected under this article are subject to audit by the comptroller.

SECTION (a) Section 102.061, Government Code, as reenacted and amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, is amended to conform to the amendments made to Section 102.061, Government Code, by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session, 2007, and is further amended to read as follows:

Sec. 102.061. ADDITIONAL COURT COSTS ON CONVICTION IN STATUTORY COUNTY COURT; CODE OF CRIMINAL PROCEDURE. The clerk of a statutory county court shall collect fees and costs under the Code of Criminal Procedure on conviction of a defendant as follows:

1. a jury fee (Art. 102.004, Code of Criminal Procedure) . . . $20;

2. a fee for services of the clerk of the court (Art. 102.005, Code of Criminal Procedure) . . . $40;

3. a records management and preservation services fee (Art. 102.005, Code of Criminal Procedure) . . . $25;

4. a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . $3;

5. a juvenile delinquency prevention and graffiti eradication fee (Art. 102.0171, Code of Criminal Procedure) . . . $50 [(#5)]; (and)

6. a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) . . . not to exceed $5; and

7. a civil justice fee (Art. 102.022, Code of Criminal Procedure) . . . $0.10.

(b) Section 102.061, Government Code, as amended by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session, 2007, is repealed. Section 102.061, Government Code, as reenacted and amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, to reorganize and renumber that section, continues in effect as further amended by this section.

SECTION (a) Section 102.081, Government Code, as amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, is amended to conform to the amendments made to Section 102.081, Government Code, by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session, 2007, and is further amended to read as follows:

Sec. 102.081. ADDITIONAL COURT COSTS ON CONVICTION IN
COUNTY COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a county court shall collect fees and costs under the Code of Criminal Procedure on conviction of a defendant as follows:

(1) a jury fee [Art. 102.004, Code of Criminal Procedure] . . . $20;
(2) a fee for clerk of the court services [Art. 102.005, Code of Criminal Procedure] . . . $40;
(3) a records management and preservation services fee [Art. 102.005, Code of Criminal Procedure] . . . $25;
(4) a security fee on a misdemeanor offense [Art. 102.017, Code of Criminal Procedure] . . . $3;
(5) a juvenile delinquency prevention and graffiti eradication fee [Art. 102.017, Code of Criminal Procedure] . . . $50 [±±]; [and]
(6) a juvenile case manager fee [Art. 102.0174, Code of Criminal Procedure] . . . not to exceed $5; and
(7) a civil justice fee [Art. 102.022, Code of Criminal Procedure] . . . $0.10.

(b) Section 102.081, Government Code, as amended by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session, 2007, is repealed. Section 102.081, Government Code, as amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, to reorganize and renumber that section, continues in effect as further amended by this section.

SECTION __. Section 102.101, Government Code, is amended to read as follows:

Sec. 102.101. ADDITIONAL COURT COSTS ON CONVICTION IN JUSTICE COURT: CODE OF CRIMINAL PROCEDURE. A clerk of a justice court shall collect fees and costs under the Code of Criminal Procedure on conviction of a defendant as follows:

(1) a jury fee [Art. 102.004, Code of Criminal Procedure] . . . $3;
(2) a fee for withdrawing request for jury less than 24 hours before time of trial [Art. 102.004, Code of Criminal Procedure] . . . $3;
(3) a jury fee for two or more defendants tried jointly [Art. 102.004, Code of Criminal Procedure] . . . one jury fee of $3;
(4) a security fee on a misdemeanor offense [Art. 102.017, Code of Criminal Procedure] . . . $4;
(5) a fee for technology fund on a misdemeanor offense [Art. 102.0173, Code of Criminal Procedure] . . . $4;
(6) a juvenile case manager fee [Art. 102.0174, Code of Criminal Procedure] . . . not to exceed $5;
(7) a fee on conviction of certain offenses involving issuing or passing a subsequently dishonored check [Art. 102.0071, Code of Criminal Procedure] . . . not to exceed $30; [and]
(8) a court cost on conviction of a Class C misdemeanor in a county with a population of 3.3 million or more, if authorized by the county commissioners court [Art. 102.009, Code of Criminal Procedure] . . . not to exceed $7; and
(9) a civil justice fee [Art. 102.022, Code of Criminal Procedure] . . . $0.10.

SECTION __. Section 102.121, Government Code, is amended to read as follows:

Sec. 102.121. ADDITIONAL COURT COSTS ON CONVICTION IN MUNICIPAL COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a
municipal court shall collect fees and costs on conviction of a
defendant as follows:

(1) a jury fee (Art. 102.004, Code of Criminal
Procedure) . . . $3;
(2) a fee for withdrawing request for jury less than 24
hours before time of trial (Art. 102.004, Code of Criminal
Procedure) . . . $3;
(3) a jury fee for two or more defendants tried jointly
(Art. 102.004, Code of Criminal Procedure) . . . one jury fee of $3;
(4) a security fee on a misdemeanor offense (Art.
102.017, Code of Criminal Procedure) . . . $3;
(5) a fee for technology fund on a misdemeanor offense
(Art. 102.0172, Code of Criminal Procedure) . . . not to exceed $4;
[and]
(6) a juvenile case manager fee (Art. 102.0174, Code
of Criminal Procedure) . . . not to exceed $5; and
(7) a civil justice fee (Art. 102.022, Code of
Criminal Procedure) . . . $0.10.

SECTION ___. Subchapter D, Chapter 1701, Occupations Code,
is amended by adding Section 1701.164 to read as follows:

Sec. 1701.164. COLLECTION OF CERTAIN INCIDENT-BASED DATA
SUBMITTED BY LAW ENFORCEMENT AGENCIES. The commission shall
collect and maintain incident-based data submitted to the
commission under Article 2.134, Code of Criminal Procedure,
including incident-based data compiled by a law enforcement agency
from reports received by the law enforcement agency under Article
2.133 of that code. The commission in consultation with the
Department of Public Safety, the Bill Blackwood Law Enforcement
Management Institute of Texas, the W. W. Caruth, Jr., Police
Institute at Dallas, and the Texas Police Chiefs Association shall
develop guidelines for submitting in a standard format the report
containing incident-based data as required by Article 2.134, Code
of Criminal Procedure.

SECTION ___. Subsection (a), Section 1701.501,
Occupations Code, is amended to read as follows:

(a) Except as provided by Subsection (d), the commission
shall revoke or suspend a license, place on probation a person whose
license has been suspended, or reprimand a license holder for a
violation of:

(1) this chapter;
(2) the reporting requirements provided by Articles
2.132 and 2.134, Code of Criminal Procedure; or
(3) a commission rule.

SECTION ___. (a) The requirements of Articles 2.132,
2.133, and 2.134, Code of Criminal Procedure, as amended by this
Act, relating to the compilation, analysis, and submission of
incident-based data apply only to information based on a motor
vehicle stop occurring on or after January 1, 2010.

(b) The imposition of a cost of court under Article 102.022,
Code of Criminal Procedure, as added by this Act, applies only to an
offense committed on or after the effective date of this Act. An
offense committed before the effective date of this Act is covered
by the law in effect when the offense was committed, and the former
law is continued in effect for that purpose. For purposes of this
section, an offense was committed before the effective date of this
Act if any element of the offense occurred before that date.
Racial and Ethnic Designations  
(H.B. 3051)

H.B. No. 3051

AN ACT

relating to the categories used to record the race or ethnicity of persons stopped for or convicted of traffic offenses.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 2.132(a)(3), Code of Criminal Procedure, is amended to read as follows:

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

(A) Alaska native or American Indian;

(B) [of a particular descent, including Caucasian, African, Hispanic,] Asian or Pacific Islander;

(C) black;

(D) white; and

(E) Hispanic or Latino [,-Native American, or Middle Eastern descent].

SECTION 2. Section 543.202(a), Transportation Code, is amended to read as follows:

(a) In this section, "race or ethnicity" means the following categories:

(1) Alaska native or American Indian:
(2) of a particular descent, including Caucasian, African, Hispanic, or Pacific Islander;

(3) black;

(4) white; and

(5) Hispanic or Latino [or Native American descent].

SECTION 3. This Act takes effect September 1, 2017.

__________________________________________________________
President of the Senate

__________________________________________________________
Speaker of the House

I certify that H.B. No. 3051 was passed by the House on May 4, 2017, by the following vote: Yeas 143, Nays 2, 2 present, not voting.

__________________________________________________________
Chief Clerk of the House

I certify that H.B. No. 3051 was passed by the Senate on May 19, 2017, by the following vote: Yeas 31, Nays 0.

__________________________________________________________
Secretary of the Senate

APPROVED: ____________________________

Date

__________________________________________________________
Governor
The Sandra Bland Act
(S.B. 1849)
S.B. No. 1849

AN ACT

relating to interactions between law enforcement and individuals detained or arrested on suspicion of the commission of criminal offenses, to the confinement, conviction, or release of those individuals, and to grants supporting populations that are more likely to interact frequently with law enforcement.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

ARTICLE 1. SHORT TITLE

SECTION 1.01. SHORT TITLE. This Act shall be known as the Sandra Bland Act, in memory of Sandra Bland.

ARTICLE 2. IDENTIFICATION AND DIVERSION OF AND SERVICES FOR PERSONS SUSPECTED OF HAVING A MENTAL ILLNESS, AN INTELLECTUAL DISABILITY, OR A SUBSTANCE ABUSE ISSUE

SECTION 2.01. Article 16.22, Code of Criminal Procedure, is amended to read as follows:

Art. 16.22. EARLY IDENTIFICATION OF DEFENDANT SUSPECTED OF HAVING MENTAL ILLNESS OR INTELLECTUAL DISABILITY [MENTAL RETARDATION]. (a)(1) Not later than 12 [72] hours after receiving credible information that may establish reasonable cause to believe that a defendant committed to the sheriff's custody has a mental illness or is a person with an intellectual disability [mental retardation], including observation of the defendant's behavior immediately before, during, and after the defendant's arrest and the results of any previous assessment of the defendant, the sheriff shall provide written or electronic notice of the information to the magistrate. On a determination that there is reasonable cause to believe that the defendant has a mental illness or is a person with an intellectual disability [mental retardation], the magistrate, except as provided by Subdivision (2), shall order the local mental health or intellectual and
developmental disability [mental retardation] authority or another qualified mental health or intellectual disability [mental retardation] expert to:

(A) collect information regarding whether the defendant has a mental illness as defined by Section 571.003, Health and Safety Code, or is a person with an intellectual disability [mental retardation] as defined by Section 591.003, Health and Safety Code, including information obtained from any previous assessment of the defendant; and

(B) provide to the magistrate a written assessment of the information collected under Paragraph (A).

(2) The magistrate is not required to order the collection of information under Subdivision (1) if the defendant in the year preceding the defendant's applicable date of arrest has been determined to have a mental illness or to be a person with an intellectual disability [mental retardation] by the local mental health or intellectual and developmental disability [mental retardation] authority or another mental health or intellectual disability [mental retardation] expert described by Subdivision (1). A court that elects to use the results of that previous determination may proceed under Subsection (c).

(3) If the defendant fails or refuses to submit to the collection of information regarding the defendant as required under Subdivision (1), the magistrate may order the defendant to submit to an examination in a mental health facility determined to be appropriate by the local mental health or intellectual and developmental disability [mental retardation] authority for a reasonable period not to exceed 21 days. The magistrate may order a defendant to a facility operated by the Department of State Health Services or the Health and Human Services Commission [Department of Aging and Disability Services] for examination only on request of the local mental health or intellectual and developmental
disability [mental retardation] authority and with the consent of
the head of the facility. If a defendant who has been ordered to a
facility operated by the Department of State Health Services or the
Health and Human Services Commission [Department of Aging and
Disability Services] for examination remains in the facility for a
period exceeding 21 days, the head of that facility shall cause the
defendant to be immediately transported to the committing court and
placed in the custody of the sheriff of the county in which the
committing court is located. That county shall reimburse the
facility for the mileage and per diem expenses of the personnel
required to transport the defendant calculated in accordance with
the state travel regulations in effect at the time.

(b) A written assessment of the information collected under
Subsection (a)(1)(A) shall be provided to the magistrate not later
than the 30th day after the date of any order issued under
Subsection (a) in a felony case and not later than the 10th day
after the date of any order issued under that subsection in a
misdemeanor case, and the magistrate shall provide copies of the
written assessment to the defense counsel, the prosecuting
attorney, and the trial court. The written assessment must include
a description of the procedures used in the collection of
information under Subsection (a)(1)(A) and the applicable expert's
observations and findings pertaining to:

(1) whether the defendant is a person who has a mental
illness or is a person with an intellectual disability [mental
retardation];

(2) whether there is clinical evidence to support a
belief that the defendant may be incompetent to stand trial and
should undergo a complete competency examination under Subchapter
B, Chapter 46B; and

(3) recommended treatment.

(c) After the trial court receives the applicable expert's
written assessment relating to the defendant under Subsection (b) or elects to use the results of a previous determination as described by Subsection (a)(2), the trial court may, as applicable:

(1) resume criminal proceedings against the defendant, including any appropriate proceedings related to the defendant's release on personal bond under Article 17.032;

(2) resume or initiate competency proceedings, if required, as provided by Chapter 46B or other proceedings affecting the defendant's receipt of appropriate court-ordered mental health or intellectual disability [mental retardation] services, including proceedings related to the defendant's receipt of outpatient mental health services under Section 574.034, Health and Safety Code; or

(3) consider the written assessment during the punishment phase after a conviction of the offense for which the defendant was arrested, as part of a presentence investigation report, or in connection with the impositions of conditions following placement on community supervision, including deferred adjudication community supervision.

(d) This article does not prevent the applicable court from, before, during, or after the collection of information regarding the defendant as described by this article:

(1) releasing a defendant who has a mental illness [mentally ill] or is a person with an intellectual disability [mentally retarded defendant] from custody on personal or surety bond; or

(2) ordering an examination regarding the defendant's competency to stand trial.

SECTION 2.02. Chapter 16, Code of Criminal Procedure, is amended by adding Article 16.23 to read as follows:

Art. 16.23. DIVERSION OF PERSONS SUFFERING MENTAL HEALTH
CRISIS OR SUBSTANCE ABUSE ISSUE. (a) Each law enforcement agency shall make a good faith effort to divert a person suffering a mental health crisis or suffering from the effects of substance abuse to a proper treatment center in the agency’s jurisdiction if:

(1) there is an available and appropriate treatment center in the agency’s jurisdiction to which the agency may divert the person;

(2) it is reasonable to divert the person;

(3) the offense that the person is accused of is a misdemeanor, other than a misdemeanor involving violence; and

(4) the mental health crisis or substance abuse issue is suspected to be the reason the person committed the alleged offense.

(b) Subsection (a) does not apply to a person who is accused of an offense under Section 49.04, 49.045, 49.05, 49.06, 49.065, 49.07, or 49.08, Penal Code.

SECTION 2.03. Section 539.002, Government Code, is amended to read as follows:

Sec. 539.002. GRANTS FOR ESTABLISHMENT AND EXPANSION OF COMMUNITY COLLABORATIVES. (a) To the extent funds are appropriated to the department for that purpose, the department shall make grants to entities, including local governmental entities, nonprofit community organizations, and faith-based community organizations, to establish or expand community collaboratives that bring the public and private sectors together to provide services to persons experiencing homelessness, substance abuse issues, or mental illness. [The department may make a maximum of five grants, which must be made in the most populous municipalities in this state that are located in counties with a population of more than one million.] In awarding grants, the department shall give special consideration to entities:

(1) establishing [a] new collaboratives; or
(2) establishing or expanding collaboratives that serve two or more counties, each with a population of less than 100,000[collaborative].

(b) The department shall require each entity awarded a grant under this section to:

(1) leverage additional funding from private sources in an amount that is at least equal to the amount of the grant awarded under this section;[and]

(2) provide evidence of significant coordination and collaboration between the entity, local mental health authorities, municipalities, local law enforcement agencies, and other community stakeholders in establishing or expanding a community collaborative funded by a grant awarded under this section; and

(3) provide evidence of a local law enforcement policy to divert appropriate persons from jails or other detention facilities to an entity affiliated with a community collaborative for the purpose of providing services to those persons.

SECTION 2.04. Chapter 539, Government Code, is amended by adding Section 539.0051 to read as follows:

Sec. 539.0051. PLAN REQUIRED FOR CERTAIN COMMUNITY COLLABORATIVES. (a) The governing body of a county shall develop and make public a plan detailing:

(1) how local mental health authorities, municipalities, local law enforcement agencies, and other community stakeholders in the county could coordinate to establish or expand a community collaborative to accomplish the goals of Section 539.002;

(2) how entities in the county may leverage funding from private sources to accomplish the goals of Section 539.002 through the formation or expansion of a community collaborative; and

(3) how the formation or expansion of a community
collaborative could establish or support resources or services to
help local law enforcement agencies to divert persons who have been
arrested to appropriate mental health care or substance abuse
treatment.

(b) The governing body of a county in which an entity that
received a grant under Section 539.002 before September 1, 2017, is
located is not required to develop a plan under Subsection (a).

(c) Two or more counties, each with a population of less
than 100,000, may form a joint plan under Subsection (a).

ARTICLE 3. BAIL, PRETRIAL RELEASE, AND COUNTY JAIL STANDARDS

SECTION 3.01. The heading to Article 17.032, Code of
Criminal Procedure, is amended to read as follows:

Art. 17.032. RELEASE ON PERSONAL BOND OF CERTAIN [MENTALLY
ILL] DEFENDANTS WITH MENTAL ILLNESS OR INTELLECTUAL DISABILITY.

SECTION 3.02. Articles 17.032(b) and (c), Code of Criminal
Procedure, are amended to read as follows:

(b) A magistrate shall release a defendant on personal bond
unless good cause is shown otherwise if the:

(1) defendant is not charged with and has not been
previously convicted of a violent offense;

(2) defendant is examined by the local mental health
or intellectual and developmental disability [mental retardation]
authority or another mental health expert under Article 16.22 [of
this code];

(3) applicable expert in a written assessment
submitted to the magistrate under Article 16.22:

(A) concludes that the defendant has a mental
illness or is a person with an intellectual disability [mental
retardation] and is nonetheless competent to stand trial; and

(B) recommends mental health treatment or
intellectual disability treatment for the defendant, as
applicable; and
(4) magistrate determines, in consultation with the local mental health or intellectual and developmental disability [mental retardation] authority, that appropriate community-based mental health or intellectual disability [mental retardation] services for the defendant are available through the [Texas] Department of State [Mental Health Services [and Mental Retardation]] under Section 534.053, Health and Safety Code, or through another mental health or intellectual disability [mental retardation] services provider.

(c) The magistrate, unless good cause is shown for not requiring treatment, shall require as a condition of release on personal bond under this article that the defendant submit to outpatient or inpatient mental health or intellectual disability [mental retardation] treatment as recommended by the local mental health or intellectual and developmental disability [mental retardation] authority if the defendant's:

1. mental illness or intellectual disability [mental retardation] is chronic in nature; or

2. ability to function independently will continue to deteriorate if the defendant is not treated.

SECTION 3.03. Article 25.03, Code of Criminal Procedure, is amended to read as follows:

Art. 25.03. IF ON BAIL IN FELONY. When the accused, in case of felony, is on bail at the time the indictment is presented, [It is not necessary to serve him with a copy, but] the clerk shall [on request] deliver a copy of the indictment [same] to the accused or the accused's [his] counsel[,] at the earliest possible time.

SECTION 3.04. Article 25.04, Code of Criminal Procedure, is amended to read as follows:

Art. 25.04. IN MISDEMEANOR. In misdemeanors, the clerk shall deliver a copy of the indictment or information to the accused or the accused's counsel at the earliest possible time before trial.
(It shall not be necessary before trial to furnish the accused with a copy of the indictment or information; but he or his counsel may demand a copy, which shall be given as early as possible)

SECTION 3.05. Section 511.009(a), Government Code, as amended by Chapters 281 (H.B. 875), 648 (H.B. 549), and 688 (H.B. 634), Acts of the 84th Legislature, Regular Session, 2015, is reenacted and amended to read as follows:

(a) The commission shall:

(1) adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails;

(2) adopt reasonable rules and procedures establishing minimum standards for the custody, care, and treatment of prisoners;

(3) adopt reasonable rules establishing minimum standards for the number of jail supervisory personnel and for programs and services to meet the needs of prisoners;

(4) adopt reasonable rules and procedures establishing minimum requirements for programs of rehabilitation, education, and recreation in county jails;

(5) revise, amend, or change rules and procedures if necessary;

(6) provide to local government officials consultation on and technical assistance for county jails;

(7) review and comment on plans for the construction and major modification or renovation of county jails;

(8) require that the sheriff and commissioners of each county submit to the commission, on a form prescribed by the commission, an annual report on the conditions in each county jail within their jurisdiction, including all information necessary to determine compliance with state law, commission orders, and the
rules adopted under this chapter;

(9) review the reports submitted under Subdivision (8) and require commission employees to inspect county jails regularly to ensure compliance with state law, commission orders, and rules and procedures adopted under this chapter;

(10) adopt a classification system to assist sheriffs and judges in determining which defendants are low-risk and consequently suitable participants in a county jail work release program under Article 42.034, Code of Criminal Procedure;

(11) adopt rules relating to requirements for segregation of classes of inmates and to capacities for county jails;

(12) require that the chief jailer of each municipal lockup submit to the commission, on a form prescribed by the commission, an annual report of persons under 17 years of age securely detained in the lockup, including all information necessary to determine compliance with state law concerning secure confinement of children in municipal lockups;

(13) at least annually determine whether each county jail is in compliance with the rules and procedures adopted under this chapter;

(14) require that the sheriff and commissioners court of each county submit to the commission, on a form prescribed by the commission, an annual report of persons under 17 years of age securely detained in the county jail, including all information necessary to determine compliance with state law concerning secure confinement of children in county jails;

(15) schedule announced and unannounced inspections of jails under the commission's jurisdiction using the risk assessment plan established under Section 511.0085 to guide the inspections process;

(16) adopt a policy for gathering and distributing to
jails under the commission's jurisdiction information regarding:

(A) common issues concerning jail administration;
(B) examples of successful strategies for maintaining compliance with state law and the rules, standards, and procedures of the commission; and
(C) solutions to operational challenges for jails;

(17) report to the Texas Correctional Office on Offenders with Medical or Mental Impairments on a jail's compliance with Article 16.22, Code of Criminal Procedure;

(18) adopt reasonable rules and procedures establishing minimum requirements for jails to:
(A) determine if a prisoner is pregnant; and
(B) ensure that the jail's health services plan addresses medical and mental health care, including nutritional requirements, and any special housing or work assignment needs for persons who are confined in the jail and are known or determined to be pregnant;

(19) provide guidelines to sheriffs regarding contracts between a sheriff and another entity for the provision of food services to or the operation of a commissary in a jail under the commission's jurisdiction, including specific provisions regarding conflicts of interest and avoiding the appearance of impropriety; [and]
(20) adopt reasonable rules and procedures establishing minimum standards for prisoner visitation that provide each prisoner at a county jail with a minimum of two in-person, noncontact visitation periods per week of at least 20 minutes duration each;

(21) [[20]] require the sheriff of each county to:
(A) investigate and verify the veteran status of each prisoner by using data made available from the Veterans Reentry Search Service (VRSS) operated by the United States Department of Veterans Affairs or a similar service; and

(B) use the data described by Paragraph (A) to assist prisoners who are veterans in applying for federal benefits or compensation for which the prisoners may be eligible under a program administered by the United States Department of Veterans Affairs;

(22) [[20]] adopt reasonable rules and procedures regarding visitation of a prisoner at a county jail by a guardian, as defined by Section 1002.012, Estates Code, that:

(A) allow visitation by a guardian to the same extent as the prisoner's next of kin, including placing the guardian on the prisoner's approved visitors list on the guardian's request and providing the guardian access to the prisoner during a facility's standard visitation hours if the prisoner is otherwise eligible to receive visitors; and

(B) require the guardian to provide the sheriff with letters of guardianship issued as provided by Section 1106.001, Estates Code, before being allowed to visit the prisoner; and

(23) adopt reasonable rules and procedures to ensure the safety of prisoners, including rules and procedures that require a county jail to:

(A) give prisoners the ability to access a mental health professional at the jail through a telemental health service 24 hours a day;

(B) give prisoners the ability to access a health professional at the jail or through a telehealth service 24 hours a day or, if a health professional is unavailable at the jail or through a telehealth service, provide for a prisoner to be
transferred to access a health professional; and

(C) if funding is available under Section 511.019, install automated electronic sensors or cameras to ensure
accurate and timely in-person checks of cells or groups of cells
confining at-risk individuals.

SECTION 3.06. Section 511.009, Government Code, is amended
by adding Subsection (d) to read as follows:

(d) The commission shall adopt reasonable rules and
procedures establishing minimum standards regarding the continuity
of prescription medications for the care and treatment of
prisoners. The rules and procedures shall require that a qualified
medical professional shall review as soon as possible any
prescription medication a prisoner is taking when the prisoner is
taken into custody.

SECTION 3.07. Chapter 511, Government Code, is amended by
adding Sections 511.019, 511.020, and 511.021 to read as follows:

Sec. 511.019. PRISONER SAFETY FUND. (a) The prisoner
safety fund is a dedicated account in the general revenue fund.

(b) The prisoner safety fund consists of:

(1) appropriations of money in the fund by the
legislature; and

(2) gifts, grants, including grants from the federal
government, and other donations received by the fund.

(c) Money in the fund may be appropriated only to the
commission to pay for capital improvements that are required under
Section 511.009(f)(3).

(d) The commission by rule may establish a grant program to
provide grants to counties to fund capital improvements described
by Subsection (c). The commission may only provide a grant to a
county for capital improvements to a county jail with a capacity of
not more than 50 prisoners.

Sec. 511.020. SERIOUS INCIDENTS REPORT. (a) On or before
the fifth day of each month, the sheriff of each county shall report
to the commission regarding the occurrence during the preceding
month of any of the following incidents involving a prisoner in the
county jail:

(1) a suicide;
(2) an attempted suicide;
(3) a death;
(4) a serious bodily injury, as that term is defined by
Section 1.07, Penal Code;
(5) an assault;
(6) an escape;
(7) a sexual assault; and
(8) any use of force resulting in bodily injury, as
that term is defined by Section 1.07, Penal Code.

(b) The commission shall prescribe a form for the report
required by Subsection (a).
(c) The information required to be reported under
Subsection (a)(6) may not include the name or other identifying
information of a county jail or jail employee.
(d) The information reported under Subsection (a) is public
information subject to an open records request under Chapter 552.

Sec. 511.021. INDEPENDENT INVESTIGATION OF DEATH OCCURRING
IN COUNTY JAIL. (a) On the death of a prisoner in a county jail,
the commission shall appoint a law enforcement agency, other than
the local law enforcement agency that operates the county jail, to
investigate the death as soon as possible.

(b) The commission shall adopt any rules necessary relating
to the appointment of a law enforcement agency under Subsection
(a), including rules relating to cooperation between law
enforcement agencies and to procedures for handling evidence.

SECTION 3.08. The changes in law made by this article to
Article 17.032, Code of Criminal Procedure, apply only to a
personal bond that is executed on or after the effective date of
this Act. A personal bond executed before the effective date of
executed, and the former law is continued in effect for that
purpose.

SECTION 3.09. Not later than January 1, 2018, the
Commission on Jail Standards shall:

(1) adopt the rules and procedures required by Section
511.009(d), Government Code, as added by this article, and the
rules required by Section 511.021(b), Government Code, as added by
this article; and

(2) prescribe the form required by Section 511.020(b),
Government Code, as added by this article.

SECTION 3.10. Not later than September 1, 2018, the
Commission on Jail Standards shall adopt the rules and procedures
required by Section 511.009(a)(23), Government Code, as added by
this article. On and after September 1, 2020, a county jail shall
comply with any rule or procedure adopted by the Commission on Jail
Standards under that subdivision.

SECTION 3.11. To the extent of any conflict, this Act
prevails over another Act of the 85th Legislature, Regular Session,
2017, relating to nonsubstantive additions to and corrections in
enacted codes.

ARTICLE 4. PEACE OFFICER AND COUNTY JAILER TRAINING

SECTION 4.01. Chapter 511, Government Code, is amended by
adding Section 511.00905 to read as follows:

Sec. 511.00905. JAIL ADMINISTRATOR POSITION; EXAMINATION
REQUIRED. (a) The Texas Commission on Law Enforcement shall
develop and the commission shall approve an examination for a
person assigned to the jail administrator position overseeing a
county jail.

(b) The commission shall adopt rules requiring a person,
other than a sheriff, assigned to the jail administrator position
overseeing a county jail to pass the examination not later than the 180th day after the date the person is assigned to that position. The rules must provide that a person who fails the examination may be immediately removed from the position and may not be reinstated until the person passes the examination.

(c) The sheriff of a county shall perform the duties of the jail administrator position at any time there is not a person available who satisfies the examination requirements of this section.

(d) A person other than a sheriff may not serve in the jail administrator position of a county jail unless the person satisfies the examination requirement of this section.

SECTION 4.02. Section 1701.253, Occupations Code, is amended by amending Subsection (j) and adding Subsection (n) to read as follows:

commission shall require an officer to complete a 40-hour statewide education and training program on de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments. An officer shall complete the program not later than the second anniversary of the date the officer is licensed under this chapter or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier.

An officer may not satisfy the requirements of this subsection [section] or Section 1701.402(g) by taking an online course on de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments.

(n) As part of the minimum curriculum requirements, the commission shall require an officer to complete a statewide education and training program on de-escalation techniques to facilitate interaction with members of the public, including techniques for limiting the use of force resulting in bodily injury.
SECTION 4.03. Section 1701.310(a), Occupations Code, is amended to read as follows:

   (a) Except as provided by Subsection (e), a person may not be appointed as a county jailer, except on a temporary basis, unless the person has satisfactorily completed a preparatory training program, as required by the commission, in the operation of a county jail at a school operated or licensed by the commission. The training program must consist of at least eight hours of mental health training approved by the commission and the Commission on Jail Standards.

SECTION 4.04. Section 1701.352(b), Occupations Code, is amended to read as follows:

   (b) The commission shall require a state, county, special district, or municipal agency that appoints or employs peace officers to provide each peace officer with a training program at least once every 48 months that is approved by the commission and consists of:

   (1) topics selected by the agency; and

   (2) for an officer holding only a basic proficiency certificate, not more than 20 hours of education and training that contain curricula incorporating the learning objectives developed by the commission regarding:

       (A) civil rights, racial sensitivity, and cultural diversity;

       (B) de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments; [and]

       (C) de-escalation techniques to facilitate interaction with members of the public, including techniques for limiting the use of force resulting in bodily injury; and

       (C) unless determined by the agency head to be inconsistent with the officer's assigned duties;
(i) the recognition and documentation of cases that involve child abuse or neglect, family violence, and sexual assault; and

(ii) issues concerning sex offender characteristics.

SECTION 4.05. Section 1701.402, Occupations Code, is amended by adding Subsection (n) to read as follows:

(n) As a requirement for an intermediate proficiency certificate or an advanced proficiency certificate, an officer must complete the education and training program regarding de-escalation techniques to facilitate interaction with members of the public established by the commission under Section 1701.253(n).

SECTION 4.06. Not later than March 1, 2018, the Texas Commission on Law Enforcement shall develop and the Commission on Jail Standards shall approve the examination required by Section 511.00965, Government Code, as added by this article.

SECTION 4.07. (a) No later than March 1, 2018, the Texas Commission on Law Enforcement shall establish or modify training programs as necessary to comply with Section 1701.253, Occupations Code, as amended by this article.

(b) The minimum curriculum requirements under Section 1701.253(i), Occupations Code, as amended by this article, apply only to a peace officer who first begins to satisfy those requirements on or after April 1, 2018.

SECTION 4.08. (a) Section 1701.310, Occupations Code, as amended by this article, takes effect January 1, 2018.

(b) A person in the position of county jailer on September 1, 2017, must comply with Section 1701.310(a), Occupations Code, as amended by this article, no later than August 31, 2021.

ARTICLE 5. MOTOR VEHICLE STOPS, RACIAL PROFILING, AND ISSUANCE OF CITATIONS

SECTION 5.01. Article 2.132, Code of Criminal Procedure, is
amended by amending Subsections (b) and (d) and adding Subsection (h) to read as follows:

(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 and complaint process, including providing the telephone number, mailing address, and e-mail address to make a complaint 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; [and]

(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.

(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.

(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
SECTION 5.02. Article 2.133, Code of Criminal Procedure, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(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 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.

SECTION 5.03. Article 2.134(c), Code of Criminal Procedure,
is amended to read as follows:

(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

(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.

SECTION 5.04. Article 2.137, Code of Criminal Procedure, is amended to read as follows:

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 [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 in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras [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 in law
enforcement motor vehicles and motorcycles or equipping peace
officers with body worn cameras [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 in
law enforcement motor vehicles and motorcycles or equipping peace
officers with body worn cameras [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 taken the necessary actions to use
and is using [installed] video and audio equipment and body worn
cameras for those purposes [as described by Article 2.135(a)(1)(A)]
and is using the equipment as required by Article 2.135(a)(1)].

SECTION 5.05. Article 2.1385(a), Code of Criminal
Procedure, is amended to read as follows:

(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 [the] amount not to exceed $5,000 [of $1,000]
for each violation. The attorney general may sue to collect a
civil penalty under this subsection.

SECTION 5.06. Article 2.135, Code of Criminal Procedure, is
repealed.
SECTION 5.07. Articles 2.132 and 2.134, Code of Criminal Procedure, as amended by this article, apply only to a report covering a calendar year beginning on or after January 1, 2018.

SECTION 5.08. Not later than September 1, 2018, the Texas Commission on Law Enforcement shall:

(1) evaluate and change the guidelines for compiling and reporting information required under Article 2.134, Code of Criminal Procedure, as amended by this article, to enable the guidelines to better withstand academic scrutiny; and

(2) make accessible online:

(A) a downloadable format of any information submitted under Article 2.134(b), Code of Criminal Procedure, that is not exempt from public disclosure under Chapter 552, Government Code; and

(B) a glossary of terms relating to the information to make the information readily understandable to the public.

This Act takes effect September 1, 2017.

________________________________________________________________________
President of the Senate Speaker of the House

I hereby certify that S.B. No. 1849 passed the Senate on May 11, 2017, by the following vote: Yeas 31, Nays 0.

________________________________________________________________________
Secretary of the Senate

I hereby certify that S.B. No. 1849 passed the House on May 20, 2017, by the following vote: Yeas 137, Nays 0, one present not voting.

ARTICLE 6. EFFECTIVE DATE

SECTION 6.01. Except as otherwise provided by this Act,
(II) Responding to the Law
Institutional Policy on Racial Profiling
BRYAN POLICE DEPARTMENT
GENERAL ORDER

REVISION DATE
December 04, 2015

NUMBER
04-29.4

CATEGORY
Law Enforcement Operations

INDEXED AS
Bias Based Profiling

CALEA
1.2.9a
1.2.9b
1.2.9c
1.2.9d
41.3.8a
41.3.8b
41.3.8c

SUBJECT
Bias Based Profiling

AUTHORIZING SIGNATURE

I. PURPOSE

The practice of bias based profiling by law enforcement personnel undermines legitimate law enforcement efforts and may lead to claims of civil rights violations. It may alienate citizens and foster distrust of law enforcement within the community. This directive strictly prohibits the use of bias based profiling by employees of the Bryan Police Department. The directive content identifies specific acts that would be considered bias based profiling, and outlines procedures to address requirements of Chapter 2, Article 2.131 through 2.135 of the Texas Code of Criminal Procedure.

This directive does not prohibit police personnel from stopping or detaining individuals if a specific report exists in which an individual’s race, national origin, citizenship, religion, ethnicity, age, gender or sexual orientation is a factor in determining the existence of probable cause for taking police action.

II. DEFINITIONS

Arrest — To deprive a person of his/her liberty by legal authority.

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. This also includes, but is not limited to, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group.

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.

Pedestrian Stop — An interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.

Race or Ethnicity — Of a particular descent, including Caucasian, African, Hispanic, Asian, Native American, or Middle Eastern descent.
3. The Chief of Police will present the Annual Report to the Citizen Advisory Committee. Comments and concerns from the citizen advisory meeting will be documented for future review and referral.

C. Video and Audio Equipment

1. Each motor vehicle regularly used to make motor vehicle stops will be equipped with video camera and transmitter-activated equipment.

2. Each motorcycle used to make motor vehicle stops will be equipped with transmitter-activated equipment.

3. Each motor vehicle and pedestrian stop capable of being recorded will be recorded in its entirety. (41.3.8a)

4. Video/Audio media will be handled, labeled, and stored as outlined in General Order 08-10 (Mobile Video & Audio Management). (41.3.8bc) (41.3.8c)

D. Responsibilities

1. Officers

   a. Officers will follow procedures for traffic stops as outlined in General Order 06-01 (Traffic Enforcement) and General Order 06-02 (Traffic Stops).
   
   b. Officers are responsible for ensuring mobile video/audio recording equipment is fully operational throughout their tour of duty. Any equipment failure or repairs needed should be immediately reported to the on duty shift supervisor.

2. Crime Analyst: The Crime Analyst will maintain and report the data collected for purposes of this directive.

3. Training Coordinator: The Training Coordinator will provide periodic biased based profiling training, to include legal aspects, to personnel as determined appropriate by the Texas Commission on Law Enforcement. (1.2.9b)

4. Public Information Officer

   a. The Public Information Officer will periodically provide education to the public concerning the professional standards complaint process. The education will specifically include the process by which a member of the public may file a complaint if the individual believes an employee of the Department has engaged in bias based profiling with respect to the individual. The P.I.O. will document any citizen concerns or comments expressed.
   
   b. Public education concerning the Department’s complaint process may be provided in one or more of the following ways:

      (1) Television interview/report
      (2) Newspaper interview/articles
      (3) Public Forums

5. Professional Standards Division
a. The Professional Standards Division will be responsible for investigating any complaints of bias based profiling filed against any member of the Bryan Police Department.

b. If a video or audio recording is made of an incident which is the basis of a complaint, the Professional Standards Division will provide a copy of the recording to the officer who is the subject of the complaint upon the officer's written request. The request is to be made in memo form and routed through the chain of command to the Professional Standards Division.

c. The Professional Standards Division will conduct an audit, at least annually, of video/audio recordings with the intent to determine if supervisors are conducting random video/audio reviews in compliance with this directive.

d. The PSD will review all video recordings in which a complaint of bias-based profiling is alleged.

6. Supervisors

a. Traffic enforcement will be accomplished by consistent, ongoing supervisory oversight to ensure officers do not go beyond the parameters of reasonableness in conducting such activities.

b. Supervisors will ensure that officers use video/audio equipped vehicles, unless circumstances deem otherwise.

c. Supervisors will randomly review the video/audio recordings of their subordinates in order to assess officer performance and ensure compliance with this and other applicable directives.

E. Complaint Process

1. Citizens may lodge a complaint of bias based profiling in the same manner as any other complaint against a Department employee:

   a. Telephone: Professional Standards Division, 911 Dispatch Center, Intake Specialist, on duty supervisor, or department employee.
   b. Mail: Bryan Police Department (Attn: Professional Standards Division), P.O. Box 1000, Bryan, TX 77805
   c. E-mail: Professional Standards Investigator via City of Bryan website
   d. BPD Web Site: www.bryantx.gov
   e. In person

Public Education: The Department maintains brochures (Complaints Against Department Employees) for the public that detail the process of lodging a complaint against Department employees and the investigative process.

Upon enactment, this directive will rescind and supersede any and all previous directives pertaining to this subject.
Complaint Process: Informing the Public and Addressing Allegations of Racial Profiling Practices
Informing the Public on the Process of Filing a Racial Profiling Complaint with the Bryan Police Department

The Texas Racial Profiling Law requires that police agencies provide information to the public regarding the manner in which to file a racial profiling complaint. In an effort to comply with this particular component, the Bryan Police Department launched an educational campaign aimed at informing the public on issues relevant to the racial profiling complaint process.

The police department made available, in the lobby area and on its web site, information relevant to filing a complaint on a racial profiling violation by a Bryan Police officer. It is believed that through these efforts, the community has been properly informed of the new policies and the complaint processes relevant to racial profiling.
Racial Profiling Training
Racial Profiling Training

Since 2002, all Bryan Police officers have been instructed, as specified in the Texas Racial Profiling Law, to adhere to all Texas Commission on Law Enforcement (TCOLE) training and the Law Enforcement Management Institute of Texas (LEMIT) requirements. To date, all sworn officers of the Bryan Police Department have completed the TCOLE basic training on racial profiling. The main outline used to train the officers of Bryan has been included in this report.

It is important to recognize that the Chief of the Bryan Police Department has also met the training requirements, as specified by the Texas Racial Profiling Law, in the completion of the LEMIT program on racial profiling. The satisfactory completion of the racial profiling training by the sworn personnel of the Bryan Police Department fulfills the training requirement as specified in the Education Code (96.641) of the Texas Racial Profiling Law.
Racial Profiling 3256
Instructor's Note:
You may wish to teach this course in conjunction with
Asset Forfeiture 3255 because of the related subject matter
and applicability of the courses. If this course is taught in
conjunction with Asset Forfeiture, you may report it under
Combined Profiling and Forfeiture 3257 to reduce data entry.

Abstract
This instructor guide is designed to meet the educational requirement for racial profiling
established by
legislative mandate: 77R-SB1074.

Target Population: Licensed law enforcement personnel in Texas

Prerequisites: Experience as a law enforcement officer

Length of Course: A suggested instructional time of 4 hours

Material Requirements: Overhead projector, chalkboard and/or flip charts, video tape
player,
handouts, practical exercises, and demonstrations

Instructor Qualifications: Instructors should be very knowledgeable about traffic stop
procedures and law enforcement issues

Evaluation Process and Procedures
An examination should be given. The instructor may decide upon the nature and
content of the
examination. It must, however, sufficiently demonstrate the mastery of the subject
content by the
student.

Reference Materials
Reference materials are located at the end of the course. An electronic copy of this
instructor guide
may be downloaded from our web site at http://www.tcleose.state.tx.us.

Racial Profiling 3256
1.0 RACIAL PROFILING AND THE LAW

1.1 UNIT GOAL: The student will be able to identify the legal aspects of racial profiling.

1.1.1 LEARNING OBJECTIVE: The student will be able to identify the legislative requirements placed upon peace officers and law enforcement agencies regarding racial profiling.

Racial Profiling Requirements:
Racial profiling CCP 3.35
Racial profiling prohibited CCP 2.131
Law enforcement policy on racial profiling CCP 2.132
Reports required for traffic and pedestrian stops CCP 2.133
Liability CCP 2.136
Racial profiling education for police chiefs Education Code 96.641
Training program Occupations Code 1701.253
Training required for intermediate certificate Occupations Code 1701.402
Definition of “race or ethnicity” for form Transportation Code 543.202
A. Written departmental policies
   1. Definition of what constitutes racial profiling
   2. Prohibition of racial profiling
   3. Complaint process
   4. Public education
   5. Corrective action
   6. Collection of traffic-stop statistics
   7. Annual reports

B. Not prima facie evidence

C. Feasibility of use of video equipment

D. Data does not identify officer

E. Copy of complaint-related video evidence to officer in question

F. Vehicle stop report
   1. Physical description of detainees: gender, race or ethnicity
   2. Alleged violation
   3. Consent to search
   4. Contraband
   5. Facts supporting probable cause
6. Arrest
7. Warning or citation issued

G. Compilation and analysis of data

H. Exemption from reporting – audio/video equipment

I. Officer non-liability

J. Funding

K. Required training in racial profiling
   1. Police chiefs
   2. All holders of intermediate certificates and/or two-year-old licenses as of 09/01/2001 (training to be completed no later than 09/01/2003) – see legislation 77R-SB1074

1.1.2 LEARNING OBJECTIVE: The student will become familiar with Supreme Court decisions and other court decisions involving appropriate actions in traffic stops.

      1. Motor vehicle search exemption
      2. Traffic violation acceptable as pretext for further investigation
      3. Selective enforcement can be challenged

   B. Terry v. Ohio, 392 U.S. 1, 88 S.Ct. 1868 (1968)
      1. Stop & Frisk doctrine
      2. Stopping and briefly detaining a person
      3. Frisk and pat down

   C. Other cases

2.0 RACIAL PROFILING AND THE COMMUNITY

2.1 UNIT GOAL: The student will be able to identify logical and social arguments against racial profiling.
2.1.1 LEARNING OBJECTIVE: The student will be able to identify logical and social arguments against racial profiling.
A. There are appropriate reasons for unusual traffic stops (suspicious behavior, the officer's intuition, MOs, etc.), but police work must stop short of cultural stereotyping and racism
B. Racial profiling would result in criminal arrests, but only because it would target all members of a race randomly – the minor benefits would be far outweighed by the distrust and anger towards law enforcement by minorities and the public as a whole
C. Racial profiling is self-fulfilling bad logic: if you believed that minorities committed more crimes, then you might look for more minority criminals, and find them in disproportionate numbers
D. Inappropriate traffic stops generate suspicion and antagonism towards officers and make future stops more volatile – a racially-based stop today can throw suspicion on tomorrow's legitimate stop
E. By focusing on race, you would not only be harassing innocent citizens, but overlooking criminals of all races and backgrounds – it is a waste of law enforcement resources

3.0 RACIAL PROFILING VERSUS REASONABLE SUSPICION

3.1 UNIT GOAL: The student will be able to identify the elements of both inappropriate and appropriate traffic stops.

3.1.1 LEARNING OBJECTIVE: The student will be able to identify elements of a racially motivated traffic stop.
A. Most race-based complaints come from vehicle stops, often since race is used as an inappropriate substitute for drug courier profile elements
B. "DWB" – "Driving While Black" – a nickname for the public perception that a Black person may be stopped solely because of their race (especially with the suspicion that they are a drug courier), often extended to other minority groups or activities as well ("Driving While Brown," "Flying While Black," etc.)
C. A typical traffic stop resulting from racial profiling
   1. The vehicle is stopped on the basis of a minor or contrived traffic violation which is used as a pretext for closer inspection of the vehicle, driver, and passengers
   2. The driver and passengers are questioned about things that do not relate to the traffic violation
3. The driver and passengers are ordered out of the vehicle
4. The officers visually check all observable parts of the vehicle
5. The officers proceed on the assumption that drug courier work is involved by detaining the driver and passengers by the roadside
6. The driver is asked to consent to a vehicle search – if the driver refuses, the officers use other procedures (waiting on a canine unit, criminal record checks, license-plate checks, etc.), and intimidate the driver (with the threat of detaining him/her, obtaining a warrant, etc.)

3.1.2 LEARNING OBJECTIVE: The student will be able to identify elements of a traffic stop which would constitute reasonable suspicion of drug courier activity.
A. Drug courier profile (adapted from a profile developed by the DEA)
   1. Driver is nervous or anxious beyond the ordinary anxiety and cultural communication styles
   2. Signs of long-term driving (driver is unshaven, has empty food containers, etc.)
   3. Vehicle is rented
   4. Driver is a young male, 20-35
   5. No visible luggage, even though driver is traveling
   6. Driver was over-reckless or over-cautious in driving and responding to signals
   7. Use of air fresheners

B. Drug courier activity indicators by themselves are usually not sufficient to justify a stop

3.1.3 LEARNING OBJECTIVE: The student will be able to identify elements of a traffic stop which could constitute reasonable suspicion of criminal activity.
A. Thinking about the totality of circumstances in a vehicle stop

B. Vehicle exterior
   1. Non-standard repainting (esp. on a new vehicle)
   2. Signs of hidden cargo (heavy weight in trunk, windows do not roll down, etc.)
   3. Unusual license plate suggesting a switch (dirty plate, bugs on back plate, etc.)
   4. Unusual circumstances (pulling a camper at night, kids' bikes with no kids, etc.)

C. Pre-stop indicators
   1. Not consistent with traffic flow
   2. Driver is overly cautious, or driver/passengers repeatedly look at police car
   3. Driver begins using a car- or cell-phone when signaled to stop
   4. Unusual pull-over behavior (ignores signals, hesitates, pulls onto new street, moves objects in car, etc.)

D. Vehicle interior
   1. Rear seat or interior panels have been opened, there are tools or spare tire, etc.
   2. Inconsistent items (anti-theft club with a rental, unexpected luggage, etc.)
Resources
Proactive Field Stops Training Unit – Instructor's Guide, Maryland Police and Correctional Training Commissions, 2001. (See Appendix A.)
Web address for legislation 77R-SB1074:
http://tlo2.tlc.state.tx.us/tlo/77r/billtext/SB01074F.htm
Report on Complaints
Report on Complaints

The following table contains data regarding officers that have been the subject of a complaint, during the time period of 1/1/17---12/31/17, based on allegations outlining possible violations related to the Texas Racial Profiling Law. The final disposition of the case is also included.

X
A check above indicates that the Bryan Police Department has not received any complaints, on any members of its police force, for having violated the Texas Racial Profiling Law during the time period of 1/1/17 ---- 12/31/17.

Complaints Filed for Possible Violations of The Texas Racial Profiling Law

<table>
<thead>
<tr>
<th>Complaint No.</th>
<th>Alleged Violation</th>
<th>Disposition of the Case</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
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</tr>
<tr>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Additional Comments:

__________________________________________________________________________
__________________________________________________________________________
__________________________________________________________________________
__________________________________________________________________________
__________________________________________________________________________
__________________________________________________________________________
__________________________________________________________________________
__________________________________________________________________________
Tables Illustrating Traffic and Motor Vehicle-Related Contacts
Tier 1 Data
### (I) Tier 1 Data

**Motor Vehicle-Related Contact Information (1/1/17—12/31/17)**

<table>
<thead>
<tr>
<th>Race/Ethnicity*</th>
<th>Contacts</th>
<th>Searches</th>
<th>Consensual Searches</th>
<th>PC Searches</th>
<th>Custody Arrests</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N</td>
<td>%</td>
<td>N</td>
<td>%</td>
<td>N</td>
</tr>
<tr>
<td>Caucasian</td>
<td>3,172</td>
<td>37</td>
<td>256</td>
<td>23</td>
<td>106</td>
</tr>
<tr>
<td>African</td>
<td>2,255</td>
<td>26</td>
<td>520</td>
<td>46</td>
<td>132</td>
</tr>
<tr>
<td>Hispanic</td>
<td>3,098</td>
<td>36</td>
<td>346</td>
<td>31</td>
<td>121</td>
</tr>
<tr>
<td>Asian</td>
<td>70</td>
<td>.8</td>
<td>4</td>
<td>.4</td>
<td>1</td>
</tr>
<tr>
<td>Native American</td>
<td>3</td>
<td>.03</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Middle Eastern</td>
<td>19</td>
<td>.2</td>
<td>1</td>
<td>.09</td>
<td>0</td>
</tr>
<tr>
<td>Other</td>
<td>73</td>
<td>.8</td>
<td>7</td>
<td>.6</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>8,690</td>
<td>100</td>
<td>1,134</td>
<td>100</td>
<td>361</td>
</tr>
</tbody>
</table>

*“N” represents “number” of traffic-related contacts

* Race/Ethnicity is defined by Senate Bill 1074 as being of a “particular descent, including Caucasian, African, Hispanic, Asian, Native American or Middle Eastern”.

**Figure has been rounded
Tier 1 Data (Frequency of Searches)

- Searches
- Consent
- PC

- Caucasian
- African
- Hispanic
- Asian
- Native American
- Middle Eastern
- Other
Tier 1 Data (Arrests in Percentages)

- Caucasian
- African
- Hispanic
- Asian
- Native American
- Middle Eastern
- Other
<table>
<thead>
<tr>
<th>Total Number of Instances where Officers Knew Race and Ethnicity of Individuals Before Being Detained</th>
<th>Total Number of Instances where Officers Did Not Know the Race and Ethnicity of Individuals Before Being Detained</th>
</tr>
</thead>
<tbody>
<tr>
<td>302</td>
<td>8,388</td>
</tr>
</tbody>
</table>
Tier 1 (Partial Exemption TCLEOSE Form)
Partial Exemption Racial Profiling Reporting (Tier 1)

Department Name ___ Bryan Police Department

Agency Number ___ 041201

Chief Administrator Name ___ Eric Buske

Reporting Name ___ Jackie Maynard

Contact Number ___ 979-209-5321

E-mail Address ___ maynardj@bryantx.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 polices are in effect

[Signature]

Chief Administrator 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 Date
Partial Exemption Racial Profiling Reporting (Tier 1)

(This is the TCLEOSE recommended form. The form is not mandatory. The information contained in this form, however, is mandatory. You may use your form, but all information must be provided.)

If you claim a partial exemption you must submit a report that contains the following data or use this format to report the data.

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

   Number of Motor Vehicle Stops:
   
   1. 7365 citation only
   2. 1325 arrest only
   3. 0 both
   4. 8690 Total

Race or Ethnicity:

5. 2255 African

6. 70 Asian

7. 3172 Caucasian

8. 3098 Hispanic

9. 19 Middle Eastern

10. 3 Native American

73 Other

11. 8690 Total
Race or Ethnicity Known Prior to Stop?

12. 302 Yes
13. 8388 No

14. 8690 Total

Search Conducted:

15. 1134 Yes
16. 7556 No

17. 8690 Total

Was Search Consented?

18. 361 Yes
19. 773 No

20. 1134 Total Mus: Equal # 15
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

\[\text{Signature}\] 1-26-18

Chief Administrator Date

Send entire documents electronically to this website

www.tcleose.state.tx.us
Tier 1 Baseline Comparison
(Fair Roads Standard)
(II) Motor Vehicle-Contacts and Fair Roads Standard Comparison

Comparison of motor vehicle-related contacts with households in Bryan that have vehicle access (in percentages).  (1/1/17—12/31/17)

<table>
<thead>
<tr>
<th>Race/Ethnicity*</th>
<th>Contacts (in percentages)</th>
<th>Households with vehicle access (in percentages)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Caucasian</td>
<td>37</td>
<td>58</td>
</tr>
<tr>
<td>African</td>
<td>26</td>
<td>14</td>
</tr>
<tr>
<td>Hispanic</td>
<td>36</td>
<td>25</td>
</tr>
<tr>
<td>Asian</td>
<td>.8</td>
<td>2</td>
</tr>
<tr>
<td>Native American</td>
<td>.03</td>
<td>.30</td>
</tr>
<tr>
<td>Middle Eastern</td>
<td>.2</td>
<td>N/A</td>
</tr>
<tr>
<td>Other</td>
<td>.8</td>
<td>N/A</td>
</tr>
<tr>
<td>Total</td>
<td>100</td>
<td>99**</td>
</tr>
</tbody>
</table>

* Race/Ethnicity are defined by Senate Bill 1074 as being of a “particular descent, including Caucasian, African, Hispanic, Asian, Native American and Middle Eastern”.

**Represents rounded figure
Motor Vehicle Contacts and Households
(Percentages) 2017

- Caucasian
- African
- Hispanic
- Asian
- Native American
- Middle Eastern
- Other

Contacts
Households
Tier 1 Data
(Sixteen-Year Comparative Analysis)
(2002—2017)
(III) Sixteen-Year Tier 1 Data Comparison

Comparison of Sixteen-Year Traffic and Motor Vehicle-Related Contact Information
(1/1/02---12/31/17)

<table>
<thead>
<tr>
<th>Race/Ethnicity*</th>
<th>(02)</th>
<th>(03)</th>
<th>(04)</th>
<th>(05)</th>
<th>(06)</th>
<th>(07)</th>
<th>(08)</th>
<th>(09)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Caucasian</td>
<td>56</td>
<td>53</td>
<td>52</td>
<td>48</td>
<td>46</td>
<td>48</td>
<td>48</td>
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<tr>
<td>African</td>
<td>19</td>
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<td>23</td>
<td>25</td>
<td>23</td>
<td>23</td>
<td>21</td>
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<tr>
<td>Hispanic</td>
<td>24</td>
<td>26</td>
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<td>28</td>
<td>28</td>
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<td>28</td>
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<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Total</td>
<td>100**</td>
<td>100</td>
<td>100**</td>
<td>100**</td>
<td>100**</td>
<td>100**</td>
<td>100</td>
<td>100</td>
</tr>
</tbody>
</table>

* Race/Ethnicity is defined by Texas Senate Bill 1074 as being of a “particular descent, including Caucasian, African, Hispanic, Asian, or Native American”.
** Figure has been rounded.
Comparison of Sixteen-Year Traffic and Motor Vehicle-Related Contact Information
(1/1/02--12/31/17)

<table>
<thead>
<tr>
<th>Race/Ethnicity*</th>
<th>Motor Vehicle-Related Contacts (in percentages)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(10)</td>
</tr>
<tr>
<td>Caucasian</td>
<td>48</td>
</tr>
<tr>
<td>African</td>
<td>21</td>
</tr>
<tr>
<td>Hispanic</td>
<td>30</td>
</tr>
<tr>
<td>Asian</td>
<td>.3</td>
</tr>
<tr>
<td>Native American</td>
<td>.02</td>
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<tr>
<td>Middle Eastern</td>
<td>.5</td>
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<tr>
<td>Other</td>
<td>.8</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>100**</td>
</tr>
</tbody>
</table>

*Race/Ethnicity is defined by Texas Senate Bill 1074 as being of a “particular descent, including Caucasian, African, Hispanic, Asian, Native American and Middle Eastern”.

** Figure has been rounded.
<table>
<thead>
<tr>
<th>Race/Ethnicity*</th>
<th>Search-Related Searches (in percentages)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(02)</td>
</tr>
<tr>
<td>Caucasian</td>
<td>21</td>
</tr>
<tr>
<td>African</td>
<td>44</td>
</tr>
<tr>
<td>Hispanic</td>
<td>35</td>
</tr>
<tr>
<td>Asian</td>
<td>0</td>
</tr>
<tr>
<td>Native American</td>
<td>0</td>
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<tr>
<td>Other</td>
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</tr>
<tr>
<td>Total</td>
<td>100**</td>
</tr>
</tbody>
</table>

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** Figure has been rounded.
## Comparison of Sixteen-Year Traffic and Motor Vehicle-Related Search Information (1/1/02---12/31/17)

<table>
<thead>
<tr>
<th>Race/Ethnicity*</th>
<th>Motor Vehicle-Related Searches (in percentages)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(10)</td>
</tr>
<tr>
<td>Caucasian</td>
<td>25</td>
</tr>
<tr>
<td>African</td>
<td>35</td>
</tr>
<tr>
<td>Hispanic</td>
<td>38</td>
</tr>
<tr>
<td>Asian</td>
<td>.2</td>
</tr>
<tr>
<td>Native American</td>
<td>0</td>
</tr>
<tr>
<td>Middle Eastern</td>
<td>.4</td>
</tr>
<tr>
<td>Other</td>
<td>.4</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>100**</td>
</tr>
</tbody>
</table>

*Race/Ethnicity is defined by Texas Senate Bill 1074 as being of a "particular descent, including Caucasian, African, Hispanic, Asian, Native American and Middle Eastern".

** Figure has been rounded.
Comparison of Sixteen-Year Traffic and Motor Vehicle-Related Arrest Information (1/1/02—12/31/17)

<table>
<thead>
<tr>
<th>Race/Ethnicity*</th>
<th>Motor Vehicle-Related Arrests (in percentages)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(02)</td>
</tr>
<tr>
<td>Caucasian</td>
<td>19</td>
</tr>
<tr>
<td>African</td>
<td>43</td>
</tr>
<tr>
<td>Hispanic</td>
<td>38</td>
</tr>
<tr>
<td>Asian</td>
<td>0</td>
</tr>
<tr>
<td>Native American</td>
<td>0</td>
</tr>
<tr>
<td>Other</td>
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</tr>
<tr>
<td>Total</td>
<td>100</td>
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</tbody>
</table>

* Race/Ethnicity is defined by Texas Senate Bill 1074 as being of a “particular descent, including Caucasian, African, Hispanic, Asian, or Native American”.
** Figure has been rounded.
Comparison of Sixteen-Year Traffic and Motor Vehicle-Related Arrest Information
(1/1/02---12/31/17)

<table>
<thead>
<tr>
<th>Race/Ethnicity*</th>
<th>Motor Vehicle-Related Arrests (in percentages)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(10)</td>
</tr>
<tr>
<td>Caucasian</td>
<td>20</td>
</tr>
<tr>
<td>African</td>
<td>38</td>
</tr>
<tr>
<td>Hispanic</td>
<td>41</td>
</tr>
<tr>
<td>Asian</td>
<td>.09</td>
</tr>
<tr>
<td>Native American</td>
<td>0</td>
</tr>
<tr>
<td>Middle Eastern</td>
<td>.3</td>
</tr>
<tr>
<td>Other</td>
<td>.2</td>
</tr>
<tr>
<td>Total</td>
<td>100**</td>
</tr>
</tbody>
</table>

*Race/Ethnicity is defined by Texas Senate Bill 1074 as being of a “particular descent, including Caucasian, African, Hispanic, Asian, Native American and Middle Eastern”.
** Figure has been rounded.
Tier 1 Arrests in Percentages (2002--2017)
Analysis and Interpretation of Data
Analysis

In 2001, the Texas legislature passed Senate Bill 1074 which became the Texas Racial Profiling Law. That is, the law came into effect on January 1, 2002 and required all police departments in Texas, to collect traffic-related data and report this information to their local governing authority by March 1st of each year. In 2009, the racial profiling law was modified to include the collection and reporting of all motor vehicle related contacts where a citation was issued or arrest made. In addition, the modification to the law further requires that all police officers indicate whether or not they knew the race or ethnicity of the individual before detaining them. Further, it is required that agencies report motor vehicle related data to their local governing authority and to the Texas Commission on Law Enforcement (TCOLE) by March 1st of each year. The purpose in collecting and presenting this information is to determine if police officers in a particular municipality are engaging in the practice of racially profiling minority motorists.

The Texas Racial Profiling Law also requires police departments to interpret motor vehicle-related data. Even though most researchers would probably agree with the fact that it is within the confines of good practice for police departments to be accountable to the citizenry while carrying a transparent image before the community, it is very difficult to determine if individual police officers are engaging in racial profiling, from a review and analysis of aggregate/institutional data. In other words, it is challenging for a reputable researcher to identify specific “individual” racist behavior from aggregate-level “institutional” data on traffic or motor vehicle-related contacts.

As stated previously, in 2009, the Texas Legislature passed House Bill 3389, which modified the existing Racial Profiling Law by adding new requirements; this took effect on January 1st, 2010. These most recent changes include, but are not exclusive of, the re-definition of a contact to include motor vehicles where a citation was issued or an arrest made. In addition, it requires police officers to indicate if they knew the race or ethnicity of the individual before detaining them. Also, the 2009 law requires adding "middle eastern" to the racial and ethnic category and submitting the annual data report to TCOLE before March 1st of each year. I am pleased to inform you that these additional requirements have been addressed, since 2009, by the Bryan Police Department as it is demonstrated throughout this report.

In 2017, the Texas Legislators passed H.B. 3051 which removed the Middle Eastern data requirement but standardized the racial and ethnic categories relevant to the individuals that came in contact with the police. In addition, the Sandra Bland Act (S.B. 1849) was passed and became law. That is, the most significant legislative act in Texas history regarding future data requirements on law enforcement contacts, became law and effective January 1, 2018. All future reports will contain more extensive data entries and analysis as well as records regarding audits and the analysis of searches, as required by law.
In an effort to comply with The Texas Racial Profiling Law, the Bryan Police Department commissioned the analysis of its 2017 motor vehicle contact data. Thus, three different types of data analyses were performed. The first of these involved a careful evaluation of the 2017 motor vehicle-related data. This particular analysis measured, as required by the law, the number and percentage of Caucasians, African Americans, Hispanics, Asians, Native Americans, Middle Easterners and individuals belonging to the “other” category, that came in contact with the police in the course of a motor vehicle related contact, and were either issued a citation or arrested. Further, the analysis included information relevant to the number and percentage of searches (table 1) while indicating the type of search performed (i.e., consensual or probable cause). Also, the data analysis included the number and percentage of individuals who, after they came in contact with the police for a motor vehicle-related reason, were arrested.

The additional data analysis performed was based on a comparison of the 2017 motor vehicle contact data with a specific baseline. When reviewing this particular analysis, it should be noted that there is disagreement, in the literature, regarding the appropriate baseline to be used when analyzing motor vehicle-related contact information. Of the baseline measures available, the Bryan Police Department opted to adopt, as a baseline measure, the Fair Roads Standard. This particular baseline is based on data obtained through the U.S. Census Bureau (2010) relevant to the number of households that have access to vehicles while controlling for the race and ethnicity of the heads of households.

It is clear that census data presents challenges to any effort made at establishing a fair and accurate racial profiling analysis. That is, census data contains information on all residents of a particular community, regardless of the fact they may or may not be among the driving population. Further, census data, when used as a baseline of comparison, presents the challenge that it captures information related to city residents only. Thus, excluding individuals who may have come in contact with the Bryan Police Department in 2017 but live outside city limits. In some cases, the percentage of the population that comes in contact with the police but lives outside city limits represents a substantial volume of all motor vehicle-related contacts made in a given year.

Since 2002, several civil rights groups in Texas expressed their desire and made recommendations to the effect that all police departments should rely, in their data analysis, on the Fair Roads Standard. This source contains census data specific to the number of “households” that have access to vehicles. Thus, proposing to compare “households” (which may have multiple residents and only a few vehicles) with “contacts” (an individual-based count). This, in essence, constitutes a comparison that may result in ecological fallacy. Despite this, the Bryan Police Department made a decision that it would use this form of comparison (i.e., census data relevant to households with vehicles) in an attempt to demonstrate its “good will” and “transparency” before the community. Thus, the Fair Roads Standard data obtained and used in this study is specifically relevant to Bryan.

The final analysis was conducted while using the 2002—2009 traffic data and the 2010—2017 motor-vehicle related data. Specifically, all traffic-related contacts made in 2009 were compared to similar figures reported in 2002, 2003, 2004, 2005, 2006, 2007 and 2008. Similarly, motor vehicle contact data was compared while using data from 2010, 2011, 2012, 2013, 2014,
2015, 2016 and 2017. There is no question that the comparison of sixteen years of traffic/motor vehicle contact data highlight areas of consistency with regards to traffic and motor vehicle-related contacts. That is, the sixteen-year comparison has the potential of revealing indicators that a possible trend of traffic and motor vehicle-based contacts with regards to members of a specific minority group, may in fact, develop.

**Tier 1 (2017) Motor Vehicle-Related Contact Analysis**

When analyzing the Tier 1 data collected in 2017, it was evident that most motor vehicle-related contacts were made with Caucasian drivers. This was followed by Hispanic and African American drivers. With respect to searches, most of them were performed on African American drivers. This was followed by Hispanics and Caucasians. It is important to note that the arrest data revealed that African American drivers were arrested the most in motor vehicle-related contacts; this was followed by Hispanics and Caucasians.

**Fair Roads Standard Analysis**

The data analysis of motor vehicle contacts to the census data relevant to the number of “households” in the Bryan who indicated, in the 2010 census, that they had access to vehicles, produced interesting findings. Specifically, the percentage of individuals of African American and Hispanic descent that came in contact with the police was higher than the percentage of African American and Hispanic households in Bryan that claimed, in the 2010 census, to have access to vehicles. With respect to Caucasians and Asians, a lower percentage of contacts were detected. That is, the percentage of Caucasian and Asian drivers that came in contact with the police in 2017 was lower than the percentage of Caucasian and Asian households in Bryan with access to vehicles.

**Sixteen-Year Comparison**

The sixteen-year comparison (02-17) of traffic and motor vehicle related-contact data showed some similarities. As illustrated in table 3, the percentage of drivers (from different racial/ethnic groups) that came in contact with the Bryan Police in 2017 was similar to the percentage of drivers, from the same racial/ethnic groups that came in contact with the Bryan Police Department from 2002 to 2016. However, a few differences were noted. When comparing 2017 to the previous years, there was an increase in percentage of contacts among Caucasian and African American drivers. A decrease in percentage was detected among Hispanics.

It is clear that commonalities in the data existed, when analyzing the search-related contacts for all sixteen years. A decrease in percentage was noted among African Americans and Hispanics; the opposite was true for Caucasians. When considering the arrests made, the data revealed that the percentage of arrests increased among Caucasians while a decrease in percentage was evident among African Americans and Hispanics. It should be noted that the 2010, 2011, 2012, 2013, 2014, 2015, 2016 and 2017 data should be analyzed while considering that since January 1st of 2010, a contact was re-defined by the law; thus, making it statistically
challenging to compare traffic contacts (collected and reported from 2002-2009) with motor vehicle contacts (collected and reported since 2010).

Summary of Findings

The comparison of motor vehicle contacts showed that the Bryan Police Department came in contact (in motor vehicle-related incidents) with a smaller percentage of Caucasian and Asian drivers than the percentage that resided in Bryan and had access to vehicles. Further, the data suggested that the percentage of African American and Hispanic drivers that came in contact with the police in 2017 was higher than the percentage of African American and Hispanic households in Bryan with access to vehicles. In addition, the data showed that in a large number of instances, officers did not know the race or ethnicity of individuals before detaining them, when compared to instances where officers knew the race/ethnicity of individuals before they were detained.

An examination of the sixteen-year traffic and motor vehicle-related contact data suggested that the Bryan Police Department has been, for the most part, consistent in the racial/ethnic composition of motorists it comes in contact with during a given year. The consistency of contacts for the past sixteen years is in place despite the fact the city demographics may have changed, thus, increasing the number of subjects likely to come in contact with the police.

While considering the findings made in this analysis, it is recommended that the Bryan Police Department should continue to collect and evaluate additional information on motor vehicle contact data (i.e., reason for probable cause searches, contraband detected) which may prove to be useful when determining the nature of the contacts police officers are making with all individuals; particularly with African Americans and Hispanics. Although this additional data may not be required by state law, it is likely to provide insights regarding the nature and outcome of all motor vehicle contacts made with the public.

As part of this effort, the Bryan Police Department is now required by law to:

1) Perform an independent search analysis on the search data collected throughout 2018.

2) Commission data audits in 2017 in order to assess data integrity; that is, to ensure that the data collected is consistent with the data being reported.

The Bryan Police Department complied with recommendations made last year, in a similar report, regarding data audits. In sum, the information and analysis provided in this report serves as evidence that the Bryan Police Department has, once again, complied with the Texas Racial Profiling Law.
(III) Summary
Checklist
Checklist

The following requirements were met by the Bryan Police Department in accordance with The Texas Racial Profiling Law:

- Clearly defined act or actions that constitute racial profiling

- Statement indicating prohibition of any peace officer employed by the Bryan Police Department from engaging in racial profiling

- Implement a process by which an individual may file a complaint regarding racial profiling violations

- Provide public education related to the complaint process

- Implement disciplinary guidelines for officer found in violation of the Texas Racial Profiling Law

- Collect data (Tier 1) that includes information on
  a) Race and ethnicity of individual detained
  b) Whether a search was conducted
  c) If there was a search, whether it was a consent search or a probable cause search
  d) Whether a custody arrest took place

- Indicate total number of officers who knew and did not know, the race/ethnicity of individuals before being detained.

- Produce an annual report on police contacts (Tier 1) and present this to local governing body and TCOLE by March 1, 2018.

- Adopt a policy, if video/audio equipment is installed, on standards for reviewing video and audio documentation
Contact Information
Contact Information
For additional questions regarding the information presented in this report, please contact:

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