

CEDAR HILL
POLICE DEPARTMENT

2022

RACIAL PROFILING ANALYSIS

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Executive Summary

Article 2.132-2.134 of the Texas Code of Criminal Procedure (CCP) requires the annual reporting to the local governing body of data collected on motor vehicle stops in which a citation or warning was issued and to arrests made as a result of those stops, in addition to data collection and reporting requirements. Article 2.134 of the CCP directs that “a comparative analysis of the information compiled under 2.133” be conducted, with specific attention to the below areas:

1. evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities;
2. examine the disposition of motor vehicle stops made by officers employed by the agency, categorized according to the race or ethnicity of affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction;
3. evaluate and compare the number of searches resulting from motor vehicle stops within the applicable jurisdiction and whether contraband or other evidence was discovered in the course of those searches; and
4. information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

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

- **A COMPREHENSIVE REVIEW OF THE CEDAR HILL POLICE DEPARTMENT’S GENERAL ORDERS, SPECIFICALLY GENERAL ORDER 203.00 OUTLINING THE DEPARTMENT’S POLICY CONCERNING RACIAL PROFILING, SHOWS THAT THE CEDAR HILL POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH ARTICLE 2.132 OF THE TEXAS CODE OF CRIMINAL PROCEDURE.**
- **A REVIEW OF THE INFORMATION PRESENTED AND SUPPORTING DOCUMENTATION REVEALS THAT THE CEDAR HILL POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH TEXAS LAW ON TRAINING AND EDUCATION REGARDING RACIAL PROFILING.**
- **A REVIEW OF THE DOCUMENTATION PRODUCED BY THE DEPARTMENT IN BOTH PRINT AND ELECTRONIC FORM REVEALS THAT THE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW ON THE RACIAL PROFILING COMPLAINT PROCESS AND PUBLIC EDUCATION ABOUT THE COMPLAINT PROCESS.**
- **ANALYSIS OF THE DATA REVEALS THAT THE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW ON THE COLLECTION OF RACIAL PROFILING DATA.**
- **THE CEDAR HILL POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW CONCERNING THE REPORTING OF INFORMATION TO TCOLE.**
- **THE CEDAR HILL POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW REGARDING CCP ARTICLES 2.132-2.134.**

Introduction

This report details an analysis of the Cedar Hill Police Department's policies, training, and statistical information on racial profiling for the year 2022. This report has been prepared to specifically comply with Article 2.132, 2.133, and 2.134 of the Texas Code of Criminal Procedure (CCP) regarding the compilation and analysis of traffic stop data. Specifically, the analysis will address Articles 2.131 – 2.134 of the CCP and make a determination of the level of compliance with those articles by the Cedar Hill Police Department in 2022. The full copies of the applicable laws pertaining to this report are contained in Appendix A.

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

For the purposes of this report and analysis, the following definition of racial profiling is used: racial profiling means a law enforcement-initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity (Texas CCP Article 3.05).

Cedar Hill Police Department Policy on Racial Profiling

A review of Cedar Hill Police Department's General Order 203.00 revealed that the department has adopted policies in compliance with Article 2.132 of the Texas CCP (see Appendix C). There are seven specific requirements mandated by Article 2.132 that a law enforcement agency must address. All seven are clearly covered in General Order 203.00. The Cedar Hill Police Department's General Order provides clear direction that any form of racial profiling is prohibited and that officers found engaging in inappropriate profiling may be disciplined according to the agency's Administrative Order 433.00 on "Discipline" up to and including termination. The regulations also provide a very clear statement of the agency's philosophy regarding equal treatment of all persons regardless of race, ethnicity, or national origin. Appendix B lists the applicable statute corresponding to the Cedar Hill Police Department regulation.

A COMPREHENSIVE REVIEW OF CEDAR HILL POLICE DEPARTMENT'S GENERAL ORDER 203.00 SHOWS THAT THE CEDAR HILL POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH ARTICLE 2.132 OF THE TEXAS CODE OF CRIMINAL PROCEDURE.

Cedar Hill Police Department Training and Education on Racial Profiling

Texas Occupation Code § 1701.253 and § 1701.402 require that curriculum be established and training certificates issued on racial profiling for all Texas Peace officers. Information provided by the Cedar Hill Police Department reveals that racial profiling training and certification is current for all officers. In addition to racial profiling training, all officers have also received various trainings including fair and impartial policing, bias-based profiling, procedural justice, police and

minority relations, civilian interaction, and multiple courses on leadership, all of which address the issue of racial profiling.

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

Cedar Hill Police Department Complaint Process and Public Education on Racial Profiling

Article 2.132 §(b)3-4 of the Texas Code of Criminal Procedure requires that law enforcement agencies implement a complaint process on racial profiling and that the agency provide public education on the complaint process. Cedar Hill Police Department utilizes a brochure on “Racial Profiling Complaint Procedures.” This easy to read and accessible brochure outlines the racial profiling complaint process and other pertinent information in an easy to comprehend format. The brochure also lists contact numbers and a website where citizens may receive further information and file a complaint (<https://www.cedarhilltx.com/626/Internal-Affairs>). Cedar Hill Police Department also developed a Facebook page in 2013 in which citizens can ask questions, provide comments, and contact the department.

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

Cedar Hill Police Department Statistical Data on Racial Profiling

Article 2.132(b) 6 and Article 2.133 requires that law enforcement agencies collect statistical information on motor vehicle stops in which a citation or warning was issued and to arrests made as a result of those stops, in addition to other information noted previously. Cedar Hill Police Department submitted statistical information on all motor vehicle stops in 2022 and accompanying information on the race/ethnicity of the person stopped. Accompanying this data was the relevant information required to be collected and reported by law.

ANALYSIS OF THE DATA REVEALS THAT THE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW ON THE COLLECTION OF RACIAL PROFILING DATA.

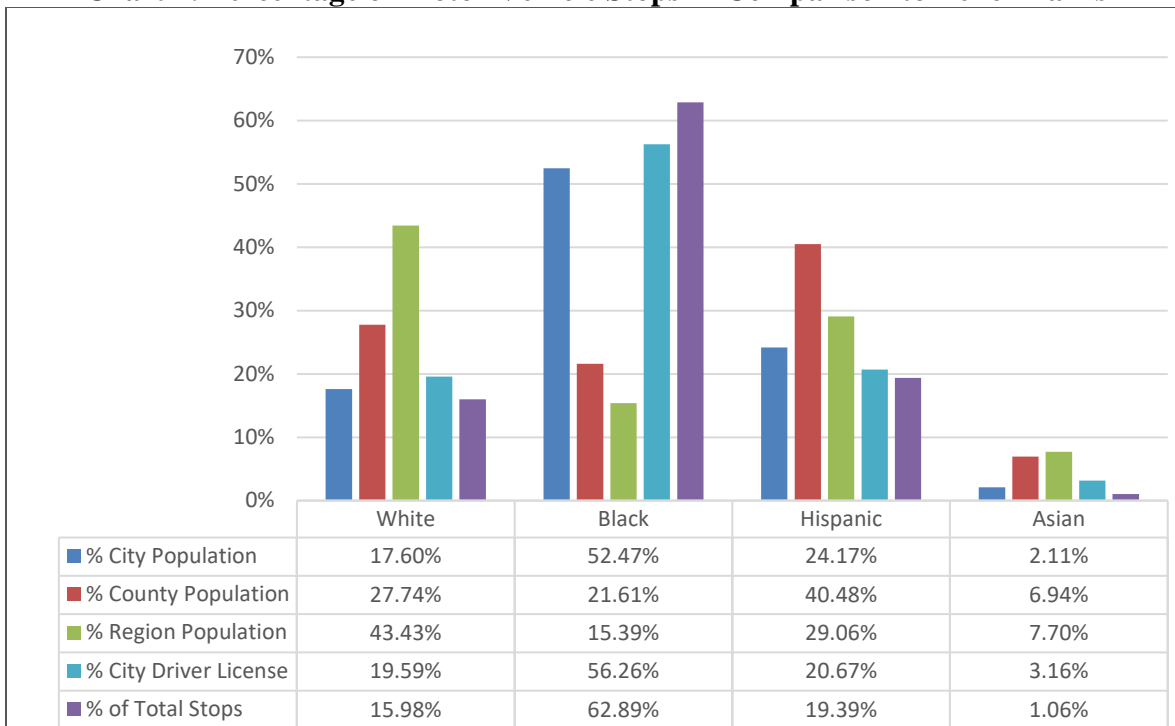
Analysis of the Data

Comparative Analysis #1:

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

The first chart depicts the percentages of people stopped by race/ethnicity among the total 8,694 motor vehicle stops in which a citation or warning was issued, including arrests made, in 2022.¹

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



White drivers constituted 15.98 percent of all drivers stopped, whereas Whites constitute 17.60 percent of the city population, 27.74 percent of the county population, 43.43 percent of the region population, and 19.59 percent of the city residents with a driver license.²

Black drivers constituted 62.89 percent of all drivers stopped, whereas Blacks constitute 52.47 percent of the city population, 21.61 percent of the county population, 15.39 percent of the region population, and 56.26 percent of the city residents with a driver license.

Hispanic drivers constituted 19.39 percent of all drivers stopped, whereas Hispanics constitute 24.17 percent of the city population, 40.48 percent of the county population, 29.06 percent of the region population, and 20.67 percent of the city residents with a driver license.

¹ There were 59 motor vehicle stops of drivers considered Alaska Native/American Indian. These motor vehicle stops were not charted in the first figure of this report due to the small number of cases relative to the population in Cedar Hill and relative to the total number of motor vehicle stops among all drivers (8,694).

² City and County and Regional populations were derived from 2020 Decennial Census Redistricting Data (DEC) of the U.S. Census Bureau. Region is defined as the 16 county Dallas-Ft. Worth Area including the following counties: Collin, Dallas, Denton, Ellis, Erath, Hood, Hunt, Johnson, Kaufman, Navarro, Palo Pinto, Parker, Rockwall, Somervell, Tarrant, and Wise. City and County populations by gender noted later in this report are based on 2019 American Community Survey estimates. The City Driver License percentages were derived from driver license data obtained from the Texas Department of Public Safety for the City of Cedar Hill zip code of 75104. The data include valid driver licenses which are defined as not expired or expired within the past 2 years, not marked deceased, or not licensed in another jurisdiction or state.

Asian drivers constituted 1.06 percent of all drivers stopped, whereas Asians constitute 2.11 percent of the city population, 6.94 percent of the county population, 7.70 percent of the region population, and 3.16 percent of the city residents with a driver license.

The chart shows that White drivers are stopped at rates lower than the percentage of Whites found in the city, county, region, and city driver license populations. Black drivers are stopped at rates higher than the percentage of Blacks found in the city, county, region, and city driver license populations. Hispanic drivers are stopped at rates lower than the percentage of Hispanics found in the city, county, region, and city driver license populations. Asian drivers are stopped at rates lower than the percentage of Asians found in the city, county, region, and city driver license populations.

Methodological Issues

Upon examination of the data, it is important to note that differences in overall stop rates of a particular racial or ethnic group, compared to that racial or ethnic group's proportion of the population, cannot be used to make determinations that officers have or have not racially profiled any given individual motorist. Claims asserting racial profiling of an individual motorist from the aggregate data utilized in this report are erroneous.

For example, concluding that a particular driver of a specific race/ethnicity was racially profiled simply because members of that particular racial/ethnic group as a whole were stopped at a higher rate than their proportion of the population—are as erroneous as claims that a particular driver of a specific race/ethnicity could NOT have been racially profiled simply because the percentage of stops among members of a particular racial/ethnic group as a whole were stopped at a lower frequency than that group's proportion of the particular population base (e.g., city or county population). In short, aggregate data as required by law and presented in this report cannot be used to prove or disprove that a member of a particular racial/ethnic group was racially profiled. Next, we discuss the reasons why using aggregate data—as currently required by the state racial profiling law—are inappropriate to use in making claims that any individual motorist was racially profiled.

Issue #1: Using Group-Level Data to Explain Individual Officer Decisions

The law dictates that police agencies compile aggregate-level data regarding the *rates* at which agencies *collectively* stop motorists in terms of their race/ethnicity. These aggregated data are to be subsequently analyzed in order to determine whether or not *individual* officers are "racially profiling" motorists. This methodological error, commonly referred to as the "ecological fallacy," defines the dangers involved in making assertions about individual officer decisions based on the examination of aggregate stop data. **In short, one cannot prove that an individual officer has racially profiled any individual motorist based on the rate at which a department stops any given group of motorists.** In sum, aggregate level data cannot be used to assess individual officer decisions, but the state racial profiling law requires this assessment.

Issue #2: Problems Associated with Population Base-Rates

There has been considerable debate as to what the most appropriate population "base-rate" is in determining whether or not racial/ethnic disparities exist. The base-rate serves as the benchmark

for comparison purposes. The outcome of analyses designed to determine whether disparities exist is dependent on which base-rate is used. While this report utilized the most recent 2020 Census as a population base-rate, this population measure can become quickly outdated, can be inaccurate, and may not keep pace with changes experienced in city and county and region population measures.

In addition, the validity of the benchmark base-rate becomes even more problematic if analyses fail to distinguish between residents and non-residents who are stopped. This is because the existence of significant proportions of non-resident stops will lead to invalid conclusions if racial/ethnic comparisons are made exclusively to resident population figures.

Furthermore, this report included data on the race/ethnicity of City of Cedar Hill residents who have a driver's license. Although, this base-rate is probably better than the Census population base-rates, it is not without limitations. Most notably, driver license data does not indicate the frequency in which someone operates a motor vehicle and other factors, such as driving behavior, which puts individuals at increased risk of motor vehicle stops.

In sum, a valid measure of the driving population does not exist. As a proxy, census and city driver license data are used which are problematic as valid indicators of the driving population.

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

As illustrated in Table 4 near the end of this report, of the 8,694 motor vehicle stops in 2022, the officer knew the race/ethnicity of the motorist prior to the stop in 0.97% of the stops (84/8,694). This percentage is consistent across law enforcement agencies throughout Texas. An analysis of all annual racial profiling reports submitted to the Texas Commission on Law Enforcement, as required by the Texas racial profiling law found that in 2.9% of the traffic stops in Texas, the officer knew the race/ethnicity of the motorist prior to the stop.³ The analysis included 1,186 Texas law enforcement agencies and more than 3.25 million traffic stops.

As noted, the legal definition of racial profiling in the Texas Code of Criminal Procedure Article 3.05 is “a law enforcement-initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity.”

Almost always, Cedar Hill PD officers do not know the race/ethnicity of the motorist prior to the stop. This factor invalidates any conclusions drawn from the stop data presented in Chart 1. If an officer does not know the race/ethnicity of the motorist prior to the stop, then the officer cannot, by legal definition, be racial profiling. Racial profiling is a law-enforcement action based on the race/ethnicity of an individual. If the officer does not know the person's race/ethnicity before the action (in this case, stopping a vehicle), then racial profiling cannot occur.

Based on this factor, post-stop outcomes are more relevant for a racial profiling assessment, as presented later in this report, in comparison to initial motor vehicle stop data disaggregated by

³ Winkler, Jordan M. (2016). *Racial Disparity in Traffic Stops: An Analysis of Racial Profiling Data in Texas*. Master's Thesis. University of North Texas.

race/ethnicity. Once the officer has contacted the motorist after the stop, the officer has identified the person's race/ethnicity and all subsequent actions are more relevant to a racial profiling assessment than the initial stop data.

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

Table 1 reports the summaries for the total number of motor vehicle stops in which a citation or warning was issued, and to arrests made as a result of those stops, by the Cedar Hill Police Department in 2022. Table 1 and associated analyses are utilized to satisfy the comparative analyses as required by Texas law, and in specific, Article 2.134 of the CCP.

Comparative Analysis #2:

Examine the disposition of motor vehicle stops made by officers employed by the agency, categorized according to the race or ethnicity of affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction. Texas Code of Criminal Procedure Article 2.134(c)(1)(B)

As shown in Table 1, there were a total of 8,694 motor vehicle stops in 2022 in which a citation or warning was issued. The table also shows arrests made as a result of those stops. Roughly 50 percent of stops resulted in a verbal warning (4,327/8,694) and roughly 47 percent resulted in a citation. These actions accounted for roughly 97 percent of all stop actions and will be the focus of the below discussion.

Specific to **written warnings**, White motorists received a written warning in roughly 54 percent of stops of White motorists (749/1,389), Black motorists received a written warning in roughly 51 percent of stops of Black motorists, Hispanic motorists received a written warning in roughly 44 percent of stops of Hispanic motorists, and Asian motorists received a written warning in roughly 53 percent of stops of Asian motorists.

Specific to **citations**, White motorists received a citation in roughly 45 percent of stops involving White motorists (623/1,389), Black motorists received a citation in roughly 46 percent of stops of Black motorists, Hispanic motorists received a citation in roughly 54 percent of stops of Hispanic motorists, and Asian motorists received a citation in roughly 46 percent of stops of Asian motorists.

As illustrated in Table 1, of the 8,694 total stops, 244 **arrests** [written warning and arrest (111), citation and arrest (133) and sole arrests (0)] were made in 2022, and this accounts for 2.8 percent of all stops. White motorists were arrested in 1.2 percent of stops involving White motorists (17/1,389), Black motorists were arrested in 3.5 percent of stops involving Black motorists, Hispanics were arrested in 2.2 percent of stops involving Hispanic motorists, and Asian motorists were arrested in 1.1 percent of stops involving Asian motorists (1 arrest out of 92 total stops of Asian motorists).

Overall, arrests were most commonly based on an **outstanding warrant** (56.6%; 138/244) or a **violation of the penal code** (41.8%; 102/244) as illustrated in Table 1.

Finally, as presented in Table 1, **physical force resulting in bodily injury** did not occur in 2022. Of the 8,694 motor vehicle stops, none involved physical force resulting in bodily injury.

Table 1: Traffic Stops and Outcomes by Race/Ethnicity

Stop Table	White	Black	Hispanic /Latino	Asian /Pacific Islander	Alaska Native /American Indian	Total
Number of Stops	1,389	5,468	1,686	92	59	8,694
Gender						
Female	553	2,394	588	41	19	3,595
Male	836	3,074	1,098	51	40	5,099
Reason for Stop						
Violation of Law	32	158	30	0	0	220
Preexisting Knowledge	28	155	28	2	0	213
Moving Traffic Violation	885	2,999	1,005	54	43	4,986
Vehicle Traffic Violation	444	2,156	623	36	16	3,275
Result of Stop						
Verbal Warning	0	0	0	0	0	0
Written Warning	749	2,769	743	49	17	4,327
Citation	623	2,510	906	42	42	4,123
Written Warning and Arrest	8	88	15	0	0	111
Citation and Arrest	9	101	22	1	0	133
Arrest	0	0	0	0	0	0
Arrest Based On						
Violation of Penal Code	4	79	18	1	0	102
Violation of Traffic Law	0	4	0	0	0	4
Violation of City Ordinance	0	0	0	0	0	0
Outstanding Warrant	13	106	19	0	0	138
Physical Force Resulting in Bodily Injury Used?						
No	1,389	5,468	1,686	92	59	8,694
Yes	0	0	0	0	0	0

Table 2 provides the percentage of traffic stops, warnings, and citations for each racial/ethnic group from 2019 through 2022. The table is designed to assess the level of consistency for these traffic-related actions.

As illustrated in Table 2, White motorists constituted 24.79 (3,640/14,682), 24.11, 17.27, and 15.98 percent of all motorists stopped in 2019, 2020, 2021, and 2022 respectively. Black motorists constituted 62.82, 60.78, 62.51 and 62.89 percent of all motorists stopped in 2019-2022, respectively. Hispanic motorists constituted 11.25, 13.46, 17.95, and 19.39 percent of all motorists stopped in 2019-2022, respectively. Asian motorists constituted 1.08, 1.21, 1.36, and 1.06 percent of all motorists stopped in 2019-2022, respectively.

Specific to **warnings**, White motorists received a warning in 67.0 (2,439/3,640), 56.5, 56.0 and 53.9 percent of stops involving White motorists in 2019, 2020, 2021, and 2022, respectively. Black motorists received a warning in 65.3, 61.7, 56.8, and 50.6 percent of stops involving Black motorists in 2019-2022, respectively. Hispanic motorists received a warning in 61.3, 53.4, 48.9, and 44.1 percent of stops involving Hispanic motorists in 2019-2022, respectively. Asian motorists received a warning in 66.0, 63.0, 56.3, and 53.3 percent of stops involving Asian motorists in 2019-2022, respectively.

Specific to **citations**, White motorists received a citation in 31.3 (1,139/3,640), 42.4, 43.0, and 44.9 percent of stops involving White motorists in 2019, 2020, 2021, and 2022, respectively. Black motorists received a citation in 31.1, 35.6, 40.1, and 45.9 percent of stops involving Black motorists in 2019-2022, respectively. Hispanic motorists received a citation in 36.3, 43.8, 49.4, and 53.7 percent of stops involving Hispanic motorists in 2019-2022, respectively. Asian motorists received a citation in 33.3, 36.0, 43.8, and 45.7 percent of stops involving Asian motorists in 2019-2022, respectively.

Table 2: Traffic Stops, Warnings, and Citations by Race/Ethnicity by Year
(Frequencies in Parentheses)

Activity by Year	White	Black	Hispanic /Latino	Asian /Pacific Islander	Alaska Native /American Indian	Total
Stops						
2019	24.79% (3,640)	62.82% (9,223)	11.25% (1,652)	1.08% (159)	0.06% (8)	100% (14,682)
2020	24.11% (1,994)	60.78% (5,027)	13.46% (1,113)	1.21% (100)	0.44% (36)	100% (8,270)
2021	17.27% (1,835)	62.51% (6,640)	17.95% (1,907)	1.36% (144)	0.91% (97)	100% (10,623)
2022	15.98% (1,389)	62.89% (5,468)	19.39% (1,686)	1.06% (92)	0.68% (59)	100% (8,694)
Warnings						
2019	67.0% (2,439)	65.3% (6,021)	61.3% (1,013)	66.0% (105)	50.0% (4)	65.3% (9,582)
2020	56.5% (1,126)	61.7% (3,101)	53.4% (594)	63.0% (63)	55.6% (20)	59.3% (4,904)
2021	56.0% (1,028)	56.8% (3,774)	48.9% (932)	56.3% (81)	46.4% (45)	55.2% (5,860)
2022	53.9% (749)	50.6% (2,769)	44.1% (743)	53.3% (49)	28.8% (17)	49.8% (4,327)
Citations						
2019	31.3% (1,139)	31.1% (2,872)	36.3% (599)	33.3% (53)	50.0% (4)	31.8% (4,667)
2020	42.4% (846)	35.6% (1,792)	43.8% (487)	36.0% (36)	44.4% (16)	38.4% (3,177)
2021	43.0% (789)	40.1% (2,663)	49.4% (942)	43.8% (63)	51.5% (50)	42.4% (4,507)
2022	44.9% (623)	45.9% (2,510)	53.7% (906)	45.7% (42)	71.2% (42)	47.4% (4,123)

Comparative Analysis #3:

Evaluate and compare the number of searches resulting from motor vehicle stops within the applicable jurisdiction and whether contraband or other evidence was discovered in the course of those searches. Texas Code of Criminal Procedure Article 2.134(c)(1)(C)

In 2022, a total of 402 **searches** of motorists were conducted, or 4.6 percent of all stops resulted in a search (402/8,694). Among searches within each racial/ethnic group, White motorists were searched in 2.0 percent of all stops of White motorists (28/1,389), Black motorists were searched in 5.8 percent of all stops of Black motorists, Hispanic motorists were searched in 3.4 percent of all stops of Hispanic motorists, and Asian motorists were searched in 1.1 percent of all stops of Asian motorists (1 search out of 92 total stops of Asian motorists).

As illustrated in Table 3, the most common reason for a search was probable cause (59.5%; 239/402). Among **searches based on probable cause** within each racial/ethnic group, White motorists were searched based on probable cause in 50.0 percent of all searches of White motorists (14/28), Black motorists were searched based on probable cause in 60.6 percent of all searches of Black motorists, Hispanic motorists were searched based on probable cause in 58.6 percent of all searches of Hispanic motorists, and Asian motorists were not searched based on probable cause in 2022.

Regarding searches, it should be further noted that only 7 out of 402 searches (see Table 3), or 1.7 percent of all searches, were based on consent, which are regarded as discretionary as opposed to non-discretionary searches. Relative to the total number of stops (8,694), discretionary consent searches occurred in 0.08 percent of all stops.

Among **consent searches** within each racial/ethnic group, White motorists were searched based on consent in 3.6 percent of all searches of White motorists (1 consent search / 28 total searches), Black motorists were searched based on consent in 1.3 percent of all searches of Black motorists (4 consent searches / 315 total searches), Hispanic motorists were searched based on consent in 3.4 percent of all searches of Hispanic motorists (2 consent searches / 58 total searches), and Asian motorists were not searched based on consent in 2022.

Of the searches that occurred in 2022, and as shown in Table 3, contraband was discovered in 245 or about 61 percent of all searches (245/402 total searches). Among the searches in which contraband was discovered, drugs were the most frequently found contraband item.⁴ Finally, as illustrated in Table 3, when contraband was discovered, motorists were arrested roughly 33% of the time (80 arrests / 245 contraband discoveries).

⁴ Note from Table 3 that contraband was found in 245 of 402 searches, but the “description of contraband” found equals 298. This difference results because more than one contraband item can be found per search.

Table 3: Searches and Outcomes by Race/Ethnicity

Search Table	White	Black	Hispanic /Latino	Asian /Pacific Islander	Alaska Native /American Indian	Total
Search Conducted						
Yes	28	315	58	1	0	402
No	1,361	5,153	1,628	91	59	8,292
Reason for Search						
Consent	1	4	2	0	0	7
Contraband in Plain View	0	18	1	0	0	19
Probable Cause	14	191	34	0	0	239
Inventory	2	2	1	0	0	5
Incident to Arrest	11	100	20	1	0	132
Was Contraband Discovered						
Yes	13	198	34	0	0	245
No	15	117	24	1	0	157
Description of Contraband						
Drugs	11	167	28	0	0	206
Weapons	0	38	5	0	0	43
Currency	0	3	0	0	0	3
Alcohol	3	15	3	0	0	21
Stolen Property	0	4	0	0	0	4
Other	1	6	14	0	0	21
Did Discovery of Contraband Result in Arrest?						
Yes	1	66	13	0	0	80
No	12	132	21	0	0	165

Comparative Analysis #4:

Information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling. Texas Code of Criminal Procedure Article 2.134(c)(2)

In 2022, internal records indicate that the Cedar Hill Police Department received three complaints alleging that a peace officer employed by the agency engaged in racial profiling. Upon investigation, each complaint was not sustained and thus did not result in disciplinary action.

Additional Analysis:

Statistical analysis of motor vehicle stops relative to the gender population of the agency's reporting area. This analysis is presented in the report based on a December 2020 email sent from TCOLE to law enforcement executives in Texas.

In 2022, 8,694 motor vehicle stops were made by the Cedar Hill Police Department. Of these stops, 3,595 or roughly 41 percent were female drivers (3,595/8,694) and roughly 59 percent were male drivers (see Table 1).

According to 2019 American Community Survey (ACS) city and county population estimates of the U.S. Census Bureau, the City of Cedar Hill was composed of 51.6 percent females and 48.4 percent males. County population 2019 ACS estimates indicate that females accounted for 50.7 percent of the county population and males accounted for 49.3 percent of the county population.

Overall, in 2022, males were stopped at rates higher than their proportion of the city and county populations.

Additional Information Required to be Reported to TCOLE

Table 4 below provides additional information relative to motor vehicle stops in 2022 by the Cedar Hill Police Department. The data are required to be collected by the Cedar Hill Police Department under the Texas Code of Criminal Procedure Article 2.133.

As previously noted, the Cedar Hill Police Department received three complaints alleging that a peace officer employed by the agency engaged in racial profiling. Upon investigation, each complaint was not sustained and thus did not result in disciplinary action. Furthermore, as previously discussed, of the 8,694 motor vehicle stops in 2022, the officer knew the race/ethnicity of the motorist prior to the stop in 0.97% of the stops (84/8,694).

Table 4: Additional Information

Additional Information	Total
Was Race/Ethnicity Known Prior to Stop	
Yes	84
No	8,610
Approximate Location of Stop	
City Street	6,347
US Highway	1,396
County Road	17
State Highway	928
Private Property/Other	6
Number of Complaints of Racial Profiling	3
Resulted in Disciplinary Action	0
Did Not Result in Disciplinary Action	3

Analysis of Racial Profiling Compliance by the Cedar Hill Police Department

The foregoing analysis shows that the Cedar Hill Police Department is fully in compliance with all relevant Texas laws concerning racial profiling, including the existence of a formal policy prohibiting racial profiling by its officers, officer training and educational programs, a formalized complaint process, and the collection of data in compliance with the law.

In addition to providing summary reports and analysis of the data collected by the Cedar Hill Police Department in 2022, this report also included an extensive presentation of some of the limitations involved in the level of data collection currently required by law and the methodological problems associated with analyzing such data.

Appendix A
Texas Racial Profiling Law

Texas Racial Profiling Statutes

Art. 3.05. RACIAL PROFILING.

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

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

Art. 2.131. RACIAL PROFILING PROHIBITED.

A peace officer may not engage in racial profiling.

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

Art. 2.132. LAW ENFORCEMENT POLICY ON RACIAL PROFILING.

(a) In this article:

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

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

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

- (A) Alaska native or American Indian;
- (B) Asian or Pacific Islander;
- (C) black;
- (D) white; and
- (E) Hispanic or Latino.

(b) Each law enforcement agency in this state shall adopt a detailed written policy on racial profiling. The policy must:

- (1) clearly define acts constituting racial profiling;
- (2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;

(3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;

(4) provide public education relating to the agency's compliment and complaint process, including providing the telephone number, mailing address, and e-mail address to make a compliment or complaint with respect to each ticket, citation, or warning issued by a peace officer;

(5) require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article;

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

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

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

(C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual;

(D) whether the peace officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code, during the stop;

(E) the location of the stop; and

(F) the reason for the stop; and

(7) require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:

(A) the Texas Commission on Law Enforcement; and

(B) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

(c) The data collected as a result of the reporting requirements of this article shall not constitute prima facie evidence of racial profiling.

(d) On adoption of a policy under Subsection (b), a law enforcement agency shall examine the feasibility of installing video camera and transmitter-activated equipment in each agency law enforcement motor vehicle regularly used to make motor vehicle stops and transmitter-activated equipment in each agency law enforcement motorcycle regularly used to make motor vehicle stops. The agency also shall examine the feasibility of equipping each peace officer who regularly detains or stops motor vehicles with a body worn camera, as that term is defined by Section 1701.651, Occupations Code. If a law enforcement agency installs video or audio equipment or equips peace officers with body worn cameras as provided by this subsection, the policy adopted by the agency under Subsection (b) must include standards for reviewing video and audio documentation.

(e) A report required under Subsection (b)(7) may not include identifying information about a peace officer who makes a motor vehicle stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the collection of information as required by a policy under Subsection (b)(6).

(f) On the commencement of an investigation by a law enforcement agency of a complaint described by Subsection (b)(3) in which a video or audio recording of the occurrence on which the complaint is based was made, the agency shall promptly provide a copy of the recording to the peace officer who is the subject of the complaint on written request by the officer.

(g) On a finding by the Texas Commission on Law Enforcement that the chief administrator of a law enforcement agency intentionally failed to submit a report required under Subsection (b)(7), the commission shall begin disciplinary procedures against the chief administrator.

(h) A law enforcement agency shall review the data collected under Subsection (b)(6) to identify any improvements the agency could make in its practices and policies regarding motor vehicle stops.

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

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 25, eff. September 1, 2009.

Acts 2013, 83rd Leg., R.S., Ch. 93 (S.B. 686), Sec. 2.05, eff. May 18, 2013.

Acts 2017, 85th Leg., R.S., Ch. 173 (H.B. 3051), Sec. 1, eff. September 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 950 (S.B. 1849), Sec. 5.01, eff. September 1, 2017.

Art. 2.133. REPORTS REQUIRED FOR MOTOR VEHICLE STOPS.

(a) In this article, "race or ethnicity" has the meaning assigned by Article 2.132(a).

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

(1) a physical description of any person operating the motor vehicle who is detained as a result of the stop, including:

(A) the person's gender; and

(B) the person's race or ethnicity, as stated by the person or, if the person does not state the person's race or ethnicity, as determined by the officer to the best of the officer's ability;

(2) the initial reason for the stop;

(3) whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;

(4) whether any contraband or other evidence was discovered in the course of the search and a description of the contraband or evidence;

(5) the reason for the search, including whether:

(A) any contraband or other evidence was in plain view;

(B) any probable cause or reasonable suspicion existed to perform the search; or

(C) the search was performed as a result of the towing of the motor vehicle or the arrest of any person in the motor vehicle;

(6) whether the officer made an arrest as a result of the stop or the search, including a statement of whether the arrest was based on a violation of the Penal Code, a violation of a traffic law or ordinance, or an outstanding warrant and a statement of the offense charged;

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

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

(9) whether the officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code, during the stop.

(c) The chief administrator of a law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, is responsible for auditing reports under Subsection (b) to ensure that the race or ethnicity of the person operating the motor vehicle is being reported.

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

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 26, eff. September 1, 2009.

Acts 2017, 85th Leg., R.S., Ch. 950 (S.B. 1849), Sec. 5.02, eff. September 1, 2017.

Art. 2.134. COMPILATION AND ANALYSIS OF INFORMATION COLLECTED.

(a) In this article:

(1) "Motor vehicle stop" has the meaning assigned by Article 2.132(a).

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

(b) A law enforcement agency shall compile and analyze the information contained in each report received by the agency under Article 2.133. Not later than March 1 of each year, each law enforcement agency shall submit a report containing the incident-based data compiled during the previous calendar year to the Texas Commission on Law Enforcement and, if the law enforcement agency is a local law enforcement agency, to the governing body of each county or municipality served by the agency.

(c) A report required under Subsection (b) must be submitted by the chief administrator of the law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, and must include:

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

(A) evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities;

(B) examine the disposition of motor vehicle stops made by officers employed by the agency,

categorized according to the race or ethnicity of the affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction; and

(C) evaluate and compare the number of searches resulting from motor vehicle stops within the applicable jurisdiction and whether contraband or other evidence was discovered in the course of those searches; and

(2) information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

(d) A report required under Subsection (b) may not include identifying information about a peace officer who makes a motor vehicle stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the reporting of information required under Article 2.133(b)(1).

(e) The Texas Commission on Law Enforcement, in accordance with Section 1701.162, Occupations Code, shall develop guidelines for compiling and reporting information as required by this article.

(f) The data collected as a result of the reporting requirements of this article shall not constitute prima facie evidence of racial profiling.

(g) On a finding by the Texas Commission on Law Enforcement that the chief administrator of a law enforcement agency intentionally failed to submit a report required under Subsection (b), the commission shall begin disciplinary procedures against the chief administrator.

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

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 27, eff. September 1, 2009.

Acts 2013, 83rd Leg., R.S., Ch. 93 (S.B. 686), Sec. 2.06, eff. May 18, 2013.

Acts 2017, 85th Leg., R.S., Ch. 950 (S.B. 1849), Sec. 5.03, eff. September 1, 2017.

Art. 2.136. LIABILITY.

A peace officer is not liable for damages arising from an act relating to the collection or reporting of information as required by Article 2.133 or under a policy adopted under Article 2.132.

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

Art. 2.137. PROVISION OF FUNDING OR EQUIPMENT.

(a) The Department of Public Safety shall adopt rules for providing funds or video and audio equipment to law enforcement agencies for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras, including specifying criteria to prioritize funding or equipment provided to law enforcement agencies. The criteria may include consideration of tax effort, financial hardship, available revenue, and budget surpluses. The criteria must give priority to:

- (1) law enforcement agencies that employ peace officers whose primary duty is traffic enforcement;
- (2) smaller jurisdictions; and
- (3) municipal and county law enforcement agencies.

(b) The Department of Public Safety shall collaborate with an institution of higher education to identify law enforcement agencies that need funds or video and audio equipment for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras. The collaboration may include the use of a survey to assist in developing criteria to prioritize funding or equipment provided to law enforcement agencies.

(c) To receive funds or video and audio equipment from the state for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras, the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency needs funds or video and audio equipment for that purpose.

(d) On receipt of funds or video and audio equipment from the state for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras, the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency has taken the necessary actions to use and is using video and audio equipment and body worn cameras for those purposes.

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

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 950 (S.B. 1849), Sec. 5.04, eff. September 1, 2017.

Art. 2.138. RULES.

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

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

Art. 2.1385. CIVIL PENALTY.

(a) If the chief administrator of a local law enforcement agency intentionally fails to submit the incident-based data as required by Article 2.134, the agency is liable to the state for a civil penalty in an amount not to exceed \$5,000 for each violation. The attorney general may sue to collect a civil penalty under this subsection.

(b) From money appropriated to the agency for the administration of the agency, the executive director of a state law enforcement agency that intentionally fails to submit the incident-based data as required by Article 2.134 shall remit to the comptroller the amount of \$1,000 for each violation.

(c) Money collected under this article shall be deposited in the state treasury to the credit of the general revenue fund.

Added by Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 29, eff. September 1, 2009.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 950 (S.B. 1849), Sec. 5.05, eff. September 1, 2017.

Appendix C
Cedar Hill Police Department
General Order 203.00



Cedar Hill Police Department
WRITTEN DIRECTIVES MANUAL



GO 203.00 RACIAL PROFILING (BIAS-BASED POLICING)

TBP: 2.01	CJIS:
Effective Date: 7-12-09	Review Date: 8-4-21
Revised Date: 9-1-17; 10-16-17; 8-4-21	
Comment(s): GO 203.01.B. – edited section to remove reference to data collection date changes. GO 203.02.B. – edited wording of section by removing "condoned" and replacing with "tolerated". GO 203.04.C. – edited wording from "disciplinary actions" to "consequences". GO 203.04.D. – removed – it was duplicate wording GO 203.06.D. – removed reference to video tape and left it as video GO 203.07.B. – removed wording related to exceptions as they are no longer part of the law GO 203.07.B.10. – updated legal section reference GO 203.08.B.1. – updated internal retention time frame GO 203.10.C,D. – edited to reflect who will receive/review and forward memo of recording reviews GO 203.10.E – former section that is removed, all subsequent sections renumbered GO 203.10.E. – new section adding information about regular audits of data collection cards.	
Related Directive(s): AO 205.00 ADMINISTRATIVE INVESTIGATIONS AO 208.00 TEXAS BEST PRACTICES RECOGNITION PROGRAM AO 433.00 DISCIPLINE	
Related Form(s):	
Issued by: E. Reyes, Police Chief	

GO 203.01 PURPOSE

- A. This directive:
 1. provides guidance to officers in the area of traffic stops, detentions, and enforcement of laws;
 2. helps ensure that traffic enforcement is carried out in a proactive manner within the constraints of the United States and Texas constitutions and laws so that all citizens are treated fairly;
 3. offers protection to officers from unwarranted accusations of misconduct when they act within the law and department policies.
- B. The changes in this directive reflect the legislative amendments made by HB 3051 and SB 1849 (85th Regular Session, effective September 1, 2017) and are effective accordingly.

GO 203.02 POLICY

- A. It is the policy of the Cedar Hill Police Department to patrol in a proactive manner, to aggressively investigate suspicious persons and circumstances, and to actively enforce motor vehicle laws.
- B. Racial profiling is not an acceptable tactic and will not be **tolerated**. The department will utilize various management tools to ensure that racial profiling is not practiced. (edited 8-4-21)
- C. This policy shall not preclude an officer from stopping a person to offer assistance. In fact, to promote quality customer service, officers are encouraged to offer assistance as it is needed – without the fear of reprisal.
- D. This directive relates to bias-based and racial profiling issues and is intended to bring the department into compliance with legislative mandates related to racial profiling. Other procedures related to conduct during citizen contacts, taking enforcement action, searches and seizures of persons and



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property, methods for conducting vehicle and pedestrian stops, are governed by other written directives, and shall be consistent with this directive. Any conflicts or inconsistencies between this directive and any other directive relating to officer conduct, the stricter standard shall prevail.

- E. Nothing in this directive shall preclude the practice of criminal profiling, which relies on the analysis of multiple factors collectively to predict or to identify criminal activity.

GO 203.03 DEFINITIONS

- A. **Mobile recording device** - means a transmitter-activated device that records video and/or audio onto a medium that is capable of storing and replaying the recording and includes In-Car Mobile Video Recording devices and Body Worn Cameras. (Added 7-22-09) (Edited 9-1-17)
- B. **Motor vehicle stop** - means an occasion in which a peace officer stops a motor vehicle for an alleged violation of a law or ordinance. (Added 10-1-09)
- C. **Race or ethnicity** - is a particular descent of a person, including Alaska native or American Indian, Asian or Pacific Islander, black, white, and Hispanic or Latino. (10-1-09) (Edited 9-1-17)
- D. **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.
- E. **Reasonable suspicion** – also known as articulable suspicion – is a belief by a reasonable and prudent person, based on articulable facts and circumstances, that some type of criminal activity is afoot; or, a belief by a reasonable and prudent peace officer, based on articulable facts and circumstances and the inferences that can be made from those facts and circumstances because of the officer's experience and knowledge, that some type of criminal activity is afoot, and the detainee is somehow involved.

GO 203.04 BIAS-BASED CONDUCT PROHIBITED (7-22-09) (TBP 2.01)

- A. Bias-based or racial profiling occurs when the officer initiates a law enforcement action that is based solely on an individual's race, ethnicity, or national origin, sexual orientation, religion, economic status, age, cultural group, or belonging to any other identifiable group, rather than on reasonable suspicion that the person has committed, is committing, or is about to commit some violation of the law. (7-22-09)
- B. In the absence of credible information that includes a physical description, a person's gender, race, ethnicity, national original, sexual orientation, religion, economic status, age, cultural group, or belonging to any other identifiable group, shall not by itself be a factor in determining probable cause for an arrest or reasonable suspicion for a stop. (7-22-09)
- C. Bias-based and racial profiling are unacceptable investigative tactics and are strictly prohibited. Persons engaging in bias-based or racial profiling are subject to the **consequences** enumerated in directive AO 433.00 DISCIPLINE. (edited 8-4-21)

GO 203.05 TRAINING (TBP 2.01)

- A. Officers will receive education and training on racial profiling that is consistent with Sections 1701.253 and 1701.402, Texas Occupations Code, and with Section 96.641, Texas Education Code.
- B. The department will review on a continual basis the need for further training relating to racial profiling issues.
- C. The Training Unit shall ensure that all training mandated by statute and by this directive have been completed.

GO 203.06 COMPLAINT PROCESS

- A. Information is available to the public, in accordance with directive AO 205.00 ADMINISTRATIVE INVESTIGATIONS, about how a person may file a complaint against a Police Department member for alleged misconduct and for filing a complaint about a department practice or procedure. No person will be discouraged or intimidated from filing a complaint for conduct that is prohibited by this directive.



Cedar Hill Police Department
WRITTEN DIRECTIVES MANUAL



- B. Complaints of racial profiling will be received and investigated in the manner specified in directive AO 205.00 ADMINISTRATIVE INVESTIGATIONS with the following exceptions:
 - 1. Complaints will be accepted for alleged racial profiling that occurred up to 90 days prior to the date of the complaint;
 - 2. All complaints of racial profiling will be forwarded directly to the Chief of Police.
- C. An allegation of racial profiling is a serious charge, which could have a devastating impact on the accused officer, regardless of the merits of the allegation. Therefore, complaints of racial profiling will be investigated thoroughly and expeditiously.
- D. On the commencement of an investigation by the department of a complaint alleging racial profiling, the department must furnish the accused officer a copy of any existing video or other recording of the related stop, upon written request by the officer. (Art. 2.132(f), Texas Code of Criminal Procedure.)(edited 8-4-21)

GO 203.07 INCIDENT-BASED DATA COLLECTION

(TBP 2.01)

- A. **Definition.** For the purposes of this section, "data" includes written, video, or audio recordings of a motor vehicle stop. (10-1-09)
- B. **Certain Data Required.** Articles 2.131 through 2.136, Texas Code of Criminal Procedure, establish certain data collection and reporting requirements relating to motor vehicle stops. The officer will collect certain incident-based data, minimally including: (10-1-09)
 - 1. the race or ethnicity and gender of the individual detained; (Art. 2.133)(10-1-09)
 - 2. whether a search was conducted and, if so, whether the individual detained consented to the search; (Art. 2.132 and Art. 2.133) and (10-1-09)
 - 3. whether the officer knew the race or ethnicity of the individual detained before detaining that individual; (Art. 2.132) (10-1-09)
 - 4. the initial reason for the stop; (Art. 2.133) (10-1-09)
 - 5. whether contraband or other evidence was discovered in the course of the search and a description of the contraband or evidence; (Art. 2.133) (10-1-09)
 - 6. the reason for the search, including whether: (Art. 2.133) (10-1-09)
 - 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.
 - 7. 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; (Art. 2.133) (10-1-09)
 - 8. the street address or approximate location of the stop; (Art. 2.133)
 - 9. whether the officer issued a written warning or a citation as a result of the stop; (Art. 2.133) (10-1-09)
 - 10. whether the officer used physical force that resulted in bodily injury, as that term is defined in Section 1.07, Texas Penal Code. (Art. 2.132 and Art. 2.133) (Added 9-1-17; edited 8-4-21)

GO 203.08 VIDEO/AUDIO RECORDING EQUIPMENT

A. Required Use

- 1. For the purposes of this section, a "mobile recording device" shall have the meaning assigned in section GO 203.03.
- 2. An officer operating a police vehicle that is equipped with a mobile recording device will ensure that the entire motor vehicle stop is recorded. (10-1-09)
- 3. The mobile recording device will be operated in accordance with established procedures. (10-1-09)

B. Retention

- 1. All mobile recordings will be maintained for at least 180 days. (10-1-09; edited 8-4-21)
- 2. If a complaint is filed with the department alleging that a Cedar Hill officer has engaged in racial profiling, any mobile recording of the related motor vehicle stop will be retained until the final disposition of the complaint. (10-1-09)



Cedar Hill Police Department
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GO 203.09 MOTOR VEHICLE STOP DATA

(10-1-09)

A. Required Use

1. An officer will complete an incident-based electronic form on the MCT for each motor vehicle stop the officer conducts, regardless of whether the stop is video or audio recorded. (10-1-09) (Edited 9-1-17)
2. The incident-based data required to be collected by the department shall minimally include the information required to be collected under Art. 2.321, Texas Code of Criminal Procedure. (10-1-09)

B. Data Maintenance (Edited 9-1-17)

1. The electronic data is maintained in the Records Management System.
2. The data may be purged upon expiration of the retention period.

GO 203.10 REVIEWING OR OVERSIGHT OF INCIDENT-BASED DATA COLLECTION

(10-1-09) (TBP 2.01)

- A. For the purposes of this section, "data" has the meaning assigned under section GO 203.07.
- B. First-line supervisors will at least biannually randomly review mobile video/audio recordings of each subordinate and will determine whether the subordinate is complying with the provisions of this and other applicable directives. The review must minimally include three recordings each six months per officer. (Edited 9-1-17, 10-16-17)
- C. Biannually, the supervisor will submit to the **Texas Law Enforcement Agency Best Practices Program Coordinator (aka Program Manager)** a memo outlining the recording reviews. The memo should minimally indicate which officer, date and time of event, any compliance issues and recommendations for training, policy revisions, and modifying procedures, as needed. (10-1-09) (Edited 9-1-17, 10-16-17; 8-4-21)
- D. The **Texas Law Enforcement Agency Best Practices Program Coordinator** will review the memos and recommendations submitted by the supervisor and will forward them to the Office of the Chief of Police **if any compliance issues, training recommendations, or policy and procedure revisions are noted**. (Edited 9-1-17; 8-4-21)
- E. **The Texas Law Enforcement Agency Best Practices Program Coordinator will audit the incident based data collection to ensure proper completion on at least a monthly basis. The results of the audits will be reported in the quarterly compliance memo submitted to police chief as directed in AO 208.00 TEXAS BEST PRACTICES RECOGNITION PROGRAM.** (added 8-4-21)

GO 203.11 REPORTS REQUIRED

(TBP 2.01)

- A. The department will submit to the governing body and to TCOLE not later than March 1 of each year an annual report of the incident-based data collected under section GO 203.07, in accordance with Art. 2.134, Texas Code of Criminal Procedure. (10-1-09)
- B. The purpose and content of the report shall be in accordance with Art. 2.134, Texas Code of Criminal Procedure. The report will minimally:
 1. evaluate and compare the number of motor vehicle stops, within the city's jurisdiction, of persons who are recognized as racial or ethnic minorities; and (added 10-1-09)
 2. examine the disposition of motor vehicle stops made by officers employed by the department, categorized according to the race or ethnicity of the affected persons, as appropriate, including any searches resulting from stops within the city's jurisdiction; (10-1-09)
 3. evaluate and compare the number of searches resulting from motor vehicle stops within the city's jurisdiction and whether contraband or other evidence was discovered; (Added 9-1-17)
 4. include information relating to each complaint filed with the department alleging racial profiling.

EOD

Appendix B
Racial Profiling Laws and Corresponding Regulations and Procedures

Texas CCP Article	CEDAR HILL POLICE DEPARTMENT Racial Profiling Policy
2.132(b)1	G.O. 203.03 and 203.04
2.132(b)2	G.O. 203.02 B and 203.04 C
2.132(b)3	G.O. 203.06
2.132(b)4	G.O. 203.06 and Complaint Brochure and Website
2.132(b)5	G.O. 203.04 C and 203.06
2.132(b)6	G.O. 203.07
2.132(b)7	G.O. 203.11