

TEXAS COMMISSION ON LAW ENFORCEMENT

What does it mean when an Agency Reports as Racial Profiling-Tier 2-Full Report?

Each agency must select the reporting option that applies to their particular situation.

When an agency chooses to report as **Full Report** or **Tier 2** Reporting under [Texas Code of Criminal Procedure §2.133](#), the agency is stating it routinely performs traffic stops or motor vehicle stops and does not equip their vehicles with video or audio equipment. The agency must perform an analysis as required by [Code of Criminal Procedure §2.134](#).

Online data submitted for **Tier 2** (Full Reporting) must include:

- the total stops by race or ethnicity of the person(s) stopped;
- the number of stops in which the race or ethnicity was known prior to the stop;
- number of stops by gender of person(s) stopped;
- number of stops by reason;
- number of stops where a search was conducted, and a reason;
- number of stops where contraband was discovered;
- number of types of contraband found (illegal drugs or paraphernalia, currency, weapons, alcohol, stolen property, other);
- number of stops resulting in an arrest;
- number of stops in which a warning was given;
- number of stops in which a citation was issued;
- number of stops by location type where the stop occurred (city street, highways, county road, or private property).

The analysis required by §2.134 to supplement the online report must contain:

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

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

(B) examine the disposition of motor vehicle stops made by officers employed by the agency, categorized according to the race or ethnicity of the affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction; and

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

The Chief Administrator of the agency must also certify that they have adopted a detailed written policy on racial profiling. Under Code of [Criminal Procedure §2.132\(b\)](#), every law enforcement agency is required to have a racial profiling policy, which 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 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.