

**Round Rock Police Department  
2019 Bias-Based Policing Report**

**February 14, 2020**

# Round Rock Police Department 2019 Bias-Based Profiling Report

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## INTRODUCTION

Texas law requires this report regarding police stops as they relate to what we call bias-based profiling be provided annually to City Council and the Texas Commission on Law Enforcement (TCOLE). Years ago, our commitment to maintain accreditation through the Commission on the Accreditation of Law Enforcement Agencies prompted the decision to go beyond the requirements of the Texas Racial Profiling Law. Department policy regarding police contacts prohibits the race, ethnicity, and gender, as well as the sexual orientation, religion, economic status, age or cultural group of an individual as being the sole factor in:

1. Determining the existence of probable cause to take into custody or arrest an individual, or
2. In constituting a reasonable and articulable suspicion that an offense has been or is being committed so as to justify the detention of an individual or the investigatory stop of a motor vehicle.

This report presents background on the Texas Racial Profiling Law and information about Department policies. The final portions of this report summarize data regarding the motor vehicle contacts made in 2019 as required by law. This information is compared with data on driver-licensed individuals residing in the Round Rock area provided by the Texas Department of Public Safety. Council also may want to consider other factors as being more representative of whether bias-based profiling occurs in the City of Round Rock, such as:

- Complaints to Internal Affairs of bias-based profiling against police officers;
- The results of internal police investigations regarding bias-based profiling;
- Evidence the Police Department has enacted policies and procedures to follow state law and reflect “best practices” regarding the issue of bias-based profiling;
- Use of the Department's accreditation process to audit its policies and procedures regarding bias-based profiling; and
- Quality surveys conducted of citizens.

I will be happy to answer any questions the Council may have regarding this report.

Sincerely,

Allen J. Banks  
Chief of Police

## **THE TEXAS LAW ON RACIAL PROFILING: TEXAS CODE OF CRIMINAL PROCEDURE**

Note: The source for this information is the Code of Criminal Procedure that is available online from <http://www.statutes.legis.state.tx.us/Docs/CR/htm/CR.2.htm#2.131>

### **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.

## **POLICE DEPARTMENT BACKGROUND**

### ***History***

Round Rock has hired lawmen since its first incorporation in 1877. Throughout the late 1800s and through the first half of the 20th Century, the City maintained an elected Town Marshal and hired several night watchmen to keep an eye on the town overnight and turn the City Hall light off and on. At some point in the 1950s, the position became a City Council appointment, and in the late 1960s, the City hired multiple police officers for the first time. Kenny Langston was formally designated Chief of Police in 1973, and the Department grew to four officers and hired round-the-clock dispatchers. In 1976, the growing department moved into a new police/fire station downtown and hired its first official “dog warden.”

Upon Chief Langston’s departure in mid-1977, former Williamson County deputy Gene Collier became Chief of Police. Under Collier’s watch, the Blue Santa program was created (now in its 36th year) and the first policewoman was hired as the City’s first juvenile officer.

Chief Collier resigned at the end of 1982 and was replaced by Wes Wolff, who was promoted from Lieutenant and quickly saw the police force grow to 24 officers. In 1986, the Department moved into new digs at what are now Public Works’ administrative offices on Enterprise Drive. That summer, the Round Rock Police Officers Association was founded with (future Chief) Tim Ryle as its first president. Also that year, the Department joined the then-fledgling National Night Out program. In the late 1980s, the Department assigned its first officer ever to Round Rock High School.

The early 1990s saw another relocation – this time to an office complex on East Palm Valley Boulevard, where commercial tenants initially occupied one of the site’s three buildings. In 1993, the Department had 49 sworn officer positions and seventeen civilians – including three Animal Control Officers. In 1995, serial killer Roger Fain, arrested by Round Rock officers, was sentenced to life in prison for the murder of a former girlfriend.

Later that year, Chief Wolff retired and was replaced by Assistant Chief Buster Kuhlman. A community policing program was initiated and headed by Cpl. (now Sgt.) John Rowe through funding from a federal grant. During Chief Kuhlman’s tenure, the City abandoned its public safety radio system and became one of several part-owners in the County Wide Integrated Communications System – at the cost of \$1.5 million.

Paul Conner joined the Department from Las Vegas Metro PD as Chief upon Chief Kuhlman’s departure in 1999, heralding additional changes in the Department. An Internal Affairs Detail was established, as was a renewed emphasis on community policing. The Department created a police cadet program with a partial intent of increasing the number of Spanish-speaking officers on the force. A \$1.2 million project replaced the Department’s Computer Aided Dispatch and Records Management Systems, as well as putting computers in patrol vehicles.

Upon Chief Conner’s retirement in 2004, the Department was next helmed by Bryan Williams, former Assistant Chief of McKinney PD. Under Chief Williams, the Department successfully completed a \$22.5 million, 123,000-square-foot new headquarters building when it renovated the former Tellabs building in North Round Rock. In addition, the Department obtained more than \$500,000 in grants to obtain several large vehicle apparatuses for managing tactical and large-scale incidents. Also during his time, the Department completed the international

accreditation process started under Chief Conner and participated in the development and operation of the Austin Regional Intelligence Center.

Chief Williams was promoted to Assistant City Manager of Round Rock in 2011, and long-time Department member and Assistant Chief Tim Ryle followed in his footsteps. Under Chief Ryle's command, the Department made major strides in its communications system. Radio antennae were installed on the High Country Water Tower to dramatically improve radio coverage on the south side of town. The Communications Center successfully served as a back-up 911 call center for the City of Austin in 2013 during a major 911 outage in that city. A \$27.4 million bond issue was approved by voters for a new Police/Fire Training Facility.

Chief Ryle retired in early 2014, which ushered in the current era of Chief Allen Banks, previously interim Chief of Albuquerque, N.M. Chief Banks brought with him another renewed emphasis on community policing. The Junior Police Academy and Kutz4Kidz programs are two of the primary initiatives begun under his watch. The voter-approved training facility opened in the fall of 2018, and the Department began operating its own basic police academy in 2019.

### **Accreditation**

In 2016, the Department received its fifth international reaccreditation through the Commission on the Accreditation of Law Enforcement Agencies (CALEA), again achieving *Advanced Accreditation with Excellence* status. Less than 5 percent of accredited agencies achieve that distinction. The Department first became accredited in 2004, and the process benchmarks the Department's policies and processes against more than 400 "best practice" standards. Attaining accreditation means that our Department measures up well against the best departments in the country.

The advantages of accreditation to our Department and the community are numerous:

- Increased capability to prevent and control crime.
- Increased effectiveness and efficiency in the delivery of law enforcement services.
- Increased cooperation and coordination with other law enforcement agencies in the criminal justice system.
- Enhanced citizen confidence in the Department's capabilities, objectives, policies, and practices.
- Strong defense against lawsuits since Department policies will have been reviewed and approved by an accrediting agency.
- Accredited agencies see reductions in both the incidence and cost of litigation.
- Reduced cost of liability insurance from the Texas Municipal League.
- Enhanced overall image for the City – useful in attracting new business, conferences, and new residents.

In part, the advantages brought by accreditation are reflected in our community's view of the Department as reflected in biennial citizen surveys. In the most recent, conducted in 2018, Round Rock residents reported that policing is the most important service the City provides the community. Ninety percent of residents who had an opinion in that survey felt "very safe" or "safe" in the City. Further, 83 percent of respondents reported they are "satisfied" or "very satisfied" with police services.

## **RRPD GENERAL ORDERS**

The following is from the Round Rock Police Department's Policy Manual:

### **1/1.02.00 Oath of Office**

Members are required to take and subsequently abide by the following oath of office as police officer prior to assuming sworn status with the Round Rock Police Department:

I, \_\_\_\_\_, do solemnly swear (or affirm), that I will faithfully execute the duties of the office of peace officer of the State of Texas, and will to the best of my ability preserve, protect, and defend the constitution and laws of the United States and of this state, so help me God.

### **1/1.03.00 Law Enforcement Code of Ethics**

Sworn Officers will receive biennial training on the following code of ethics. Non-Sworn employees will receive biennial training on City Policy 5.03, *Ethical Standards*.

All sworn officers of this Department shall abide by the following code of ethics:

AS A LAW ENFORCEMENT OFFICER, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the constitutional rights of all men to liberty, equality, and justice.

I WILL keep my private life unsullied as an example to all; maintain courageously calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my Department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I WILL never act officiously or permit my personal feeling, prejudices, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I RECOGNIZE the badge of my office as a symbol of public faith, and will accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession...law enforcement.

### **1/1.04.00 Mission Statement**

The Round Rock Police Department, in alliance with our community, provides public safety and promotes a high quality of life.

### **1/1.05.00 Vision Statement**

Effectively respond to the adaptive challenges created by a rapidly growing community that is striving to maintain its low crime rate and high quality of life. Deliver policing that responds to the needs of the community and engages them to share in the responsibility of keeping Round Rock a great community.

### **1/1.06.00 Statement of Fundamental Values**

*Community* – We believe our community is best described in the original sense of the word – fellowship. Working together with our citizens, business people, and educators allows us to make Round Rock the best community it can be.

*Honor* – We continually demonstrate good character and maintain our reputation for honesty and respect for others.

*Integrity* – We believe in acting ethically and making wise and informed decisions. We admit mistakes, take corrective measures, and accept responsibility for our actions.

*Pride* – We constantly strive to excel. We find satisfaction in performing our duty well and in holding the trust of our community.

## RRPD POLICY ON USE OF AUDIO/VIDEO EQUIPMENT

The following is from the Round Rock Police Department's Policy Manual:

### 4/2.07.05 Recording of Police Incidents

#### DEFINITIONS

BWC	Body Worn Cameras
CCP	Texas Code of Criminal Procedures
MVR Equipment	Elements of Mobile Video Recording (MVR) equipment. Wherever the operation of MVR is referenced, such operation includes both the audio and video capabilities of this equipment (wireless body microphone and vehicular equipment).
Racial Profiling	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, as per Art. 3.05 of the CCP.

#### POLICY

This Department utilizes mobile and body-worn video and audio recording equipment to enhance the effective and efficient delivery of police services, serve as an asset to the prosecution of criminal cases, and comply with state and/or federal law. The recording of officer encounters has other objectives not limited to:

- Enhancing officer safety,
- Enhancing officer reporting, evidence collection, and court testimony through audio and video documentation of events, actions, conditions and statements made during arrests and critical incidents,
- Enhancing the ability to review probable cause for arrest, arrest procedures, officer and suspect interaction, and evidence for investigative purposes,
- Protecting the Department from false claims of impropriety,
- Providing tools for officer evaluation and training, and
- Supporting the requirements of the Department's bias-based profiling policy.

The Department provides field personnel with recording equipment for use during the performance of their duties. Such personnel shall utilize these devices in accordance with the provisions of this policy and upload all recordings to the Department's storage system by the end of each shift.

Officers shall make every effort to record all enforcement contacts, such as arrests or citations. Recording such contacts shall be the rule, not the exception.

Recording shall begin at the beginning of any contact where it is reasonably likely that enforcement action is anticipated or likely based on circumstances. Officers shall make every effort to record non-enforcement contacts should they become confrontational, assaultive or

enforcement-oriented. It is recommended that officers make a recording of pedestrian contacts, interviews, and other events when a record could have value as evidence, limit liability, resolve citizen complaints or could serve as a training tool.

#### GENERAL MVR REQUIREMENTS

MVR equipment is designed to automatically activate when a vehicle's emergency warning devices are in operation and when the officers' body microphone is activated.

##### *Officer Responsibilities*

1. In general, officers shall:
  - A. Ensure video recordings are properly uploaded to the Department's storage system by the end of each shift.
  - B. Use MVR for all vehicle or pedestrian stops as required by Texas CCP Articles 2.131 - 2.138 and Department policy regarding bias-based profiling.
  - C. Not alter or delete video recordings except as prescribed in Department procedures.

##### *Patrol Command or Designee*

2. When a complaint alleging an incident of bias-based profiling is made against an officer, and the incident is recorded, provide copies of the appropriate recorded sequence to an officer involved upon written request as required under Texas CCP 2.132(f).

##### *Evidence/Property Control Unit*

3. Provide copies of the relevant video recording to Internal Affairs on written request for investigatory purposes in accordance with Department procedures.

#### CARE AND MAINTENANCE OF MVR SYSTEM

##### *Officer*

1. MVR equipment installed in vehicles is the responsibility of the officer assigned to the vehicle. Officers will become familiar with the MVR system operation and maintain it in accordance with the manufacturer's recommendations.
2. Prior to each shift, officers shall determine whether the MVR equipment is working satisfactorily and shall bring any problems noted at this or other times to the attention of their immediate supervisor as soon as possible.
3. MVR system defects will be reported on an equipment service request. The request must accurately describe the MVR system fault.
4. Officers should check for the availability of a pool car equipped with an operational MVR system and use the pool car for the remainder of their shift, or until their assigned vehicle's MVR system is repaired.
5. The MVR shall not be deactivated until enforcement actions are completed.
6. The MVR may be manually deactivated during non-enforcement activities such as when protecting accident scenes from other vehicular traffic, during parade or funeral escorts, etc.

7. Officers are encouraged to inform their supervisors of any video recordings that may be of value for training.
8. If an officer fails to activate, or deactivates any part of the MVR equipment when required during any enforcement action, the officer shall report the reasons for their non-compliance with this policy to their supervisor.
9. Officers using pool cars equipped with MVR systems will be issued a body microphone by the supervisor on duty. Officers will immediately return pool car microphones to the supervisor on duty when the pool car is no longer needed.

#### *Patrol Supervisor*

10. Patrol supervisors must ensure an adequate supply of batteries for subsequent patrol shifts is available in the equipment storage room. If the supply needs to be replenished, the supervisor shall notify the patrol commander or designee.
11. Patrol supervisors shall ensure officers using MVR equipment adhere to established procedures, guidelines and policies. When a supervisor receives a report from an officer that the available recording system was not activated or was deactivated during a required enforcement situation, the supervisor will determine whether to require a written memorandum of the officer detailing the circumstances.
12. Patrol supervisors shall conduct documented reviews randomly each month with the goal of each employee having a review conducted annually of their MVR recordings to evaluate its operational capability and use of the system. The inspection will be forwarded to the Patrol Lieutenant.
13. At their discretion, supervisors may review an officer's MVR recordings. Nothing contained in this section shall be construed as prohibiting a supervisor from addressing with an officer apparent policy violations, procedural deficiencies with regard to arrest, investigation, interpersonal communications or other officer safety issues that are discovered during review of an MVR recording.

#### *Training Division*

14. The Training Division is responsible for ensuring all patrol personnel receive training in the appropriate use and maintenance of MVR equipment before an officer's assignment to an MVR equipped patrol vehicle.

#### *Evidence/Property Control Unit*

14. The Evidence/Property Control Unit is responsible for the systematic storage, retrieval and appropriate release of video recordings after they are submitted as evidence. The Evidence/Property Control Unit will coordinate with other agencies to develop procedures to make evidentiary recordings available for prosecution and/or investigation.
15. These procedures will comply with the requirements of Texas CCP Articles 2.131-2.138, and Department policy to facilitate the investigation of bias-based profiling complaints as required.
17. Regarding the duplication of recordings:

- A. Perform all duplication of recordings placed into evidence as required. Requests for and delivery of recordings to other criminal justice agencies shall be logged in accordance with Department procedures.
- B. Provide copies of the relevant recording to an officer involved upon written request as required under Texas CCP 2.132(f) when a complaint is made against an officer alleging an incident of bias-based profiling, and that incident is recorded and placed into evidence.
- C. Provide copies of the relevant recording to Internal Affairs on written request for investigatory purposes in accordance with Department procedures.
- D. Refer all other requests for duplicate recordings to the Chief of Police or his designee. Requests should include specific information regarding the incident – i.e. date, time, location, etc.
- E. Label all recordings released by the Department with a statement prohibiting further duplication or distribution of the tape without express written consent of the Chief or his designee.
- F. For Driving While Intoxicated (DWI) incidents:
  - (1) Make duplicate recordings of all videotaped DWI investigations and provide them to the appropriate prosecutor's office within seven days of the event.
  - (2) Coordinate with the appropriate prosecutors to insure the methods of duplication are consistent and supportive of prosecution efforts.
  - (3) Make duplicate recordings for the investigating officer upon written request.

*Internal Affairs*

- 18. The Internal Affairs Detail may obtain copies of any recorded incident for investigation as prescribed under Department policy. Requests for copies of recordings stored in evidence will be made in writing to the appropriate persons. Internal Affairs may receive a copy of a recording for preliminary review upon receipt of a complaint.

**BODY WORN CAMERAS**

Because BWC are unique in design, use, and technological specifications, certain guidelines are specific to individual devices. The Department shall ensure each officer is provided training in the use of the BWC prior to issuance and deployment. Only trained personnel shall operate BWC equipment.

## BWC RESPONSIBILITIES

### *Sworn Personnel*

Officers are responsible for ensuring they are equipped with a BWC, the camera is fully charged, and it is in good working order. Uniformed members should wear the camera on their uniform as directed to facilitate an optimum recording field of view.

1. If a device is in need of repair, members shall notify their supervisor and turn it in to Logistics for repair or replacement.
2. Officers shall not remove, dismantle or tamper with any hardware and/or the evidence management software component of the BWC.
3. Officers shall use their BWC when conducting official law enforcement duties.
4. Officers are responsible for ensuring the content stored on their assigned BWC is uploaded to the designated storage system at the completion of their shift or at any time the device's memory is full.
5. BWC captured media shall only be transferred to the Department's designated storage system, treating the recordings as potentially evidentiary in nature.
6. Officers assigned a BWC shall use the device at uniformed off-duty employment. If used for this purpose, the officer shall download all video evidence during their next regularly assigned shift.

### *Other Field Personnel*

1. Other field personnel assigned BWC shall adhere to their unit's standard operating procedures regarding their use.

### *Supervisors*

1. Supervisors will ensure that officers utilize BWC according to policy guidelines.
2. Supervisors shall ensure videos are uploaded to the designated storage system daily.
3. Supervisors completing a Response to Resistance or Aggression Use of Force investigation where video is captured shall review the video and ensure it is properly identified and stored.
4. A documented supervisory review of BWC videos will be conducted randomly each month and will be forwarded to the Patrol Lieutenant.

## BWC RESTRICTIONS

1. Members are prohibited from using personally owned recording devices while on duty without the approval of the Chief of Police or his designee. Any member who is authorized to use a personally owned body worn camera for Department related activities shall comply with the provisions of this policy, including its retention-and-release requirements.
2. All recordings made by personnel shall remain the property of the Department and should not be considered private, regardless of whether those recordings were made with personally owned body worn cameras.

3. Officers will not record confidential informants or undercover officers.
4. Unauthorized use, duplication, and/or distribution of BWC files is prohibited. Personnel shall not make copies of any BWC file for their personal use and are prohibited from using a recording device such as a phone camera or secondary video camera to record BWC files.
5. The BWC shall not be used to record non-work related activities and shall not be activated in places where a reasonable expectation of privacy exists, such as locker rooms, dressing rooms or restrooms. (See also *Privacy, Consent & Admonitions*)

#### SURREPTITIOUS USE

Members of the Department may surreptitiously record any conversation during the course of a criminal investigation in which the officer reasonably believes that such a recording will be beneficial to the investigation.

Members shall not surreptitiously record any Department member without a court order or unless lawfully authorized by the Chief of Police or the authorized designee.

#### WHEN TO ACTIVATE BWC

There are many situations where the use of the BWC is appropriate. This policy is not intended to describe every possible circumstance. The Department acknowledges that there may be situations in which operation of BWC devices is impractical and may be an impediment to officer and public safety.

In addition to the required conditions presented earlier, personnel may activate the system any time they feel its use would be appropriate and/or valuable to document an incident. Personnel are not required to activate the camera system during routine, incidental contact with a citizen, (i.e. giving directions or lunch breaks).

#### BWC PRIVACY, CONSENT AND ADMONITIONS

Officers are not required to advise or obtain consent from a private person when:

1. In a public place
2. In a location where there is an expectation of privacy (e.g., inside a building or dwelling) but the officer is lawfully present

Personnel are strongly encouraged to advise private persons they are being recorded if the advisement may gain compliance, assist in the investigation, and it does not interfere with the investigation or officer safety.

Unless a demonstrable law enforcement purpose is being served, BWC shall not be used to record in locations where individuals have a reasonable expectation of privacy – such as a restroom or locker room.

#### *Private Residences*

Officers may admonish and obtain consent to record with the BWC from the person being recorded and/or searched when searching the person's dwelling and the legal grounds for the contact or search are based solely on consent.

## WHEN TO DEACTIVATE

1. During required activations, the recording shall not be intentionally terminated until the conclusion of the encounter unless tactical, safety or practical reasons dictate otherwise.
2. When the recording is terminated before the conclusion of an incident, the reason(s) for the early termination will be documented in the offense report, if one is generated- or in the call notes if a report is not generated.
3. Use reasonable judgment in determining when to deactivate the BWC, such as, when the purpose for activation is no longer present.
  - a. Ex. An officer is assigned to an outer perimeter position for an extended period of time and has no verbal or visual contact with involved parties.

Static situations may change rapidly. Officers need to recognize it may be necessary to re-activate their BWC unexpectedly.

## ACCIDENTAL RECORDINGS

In the event of an accidental activation of the BWC where the resulting recording is of no investigative or evidentiary value, the recording Department member may request the BWC file be locked down to prevent viewing. The Department member must submit the request in writing, with sufficient information to locate the BWC file to his/her direct supervisor.

The request will be forwarded through the member's chain of command. Prior to locking down an accidental activation, the Department member's Lieutenant will ensure the file is not associated with a police contact or CAD event.

The Chief of Police is the only person who may authorize deletion of BWC video.

## DOCUMENTING USE OF THE BWC

Department members shall note in arrest and other reports when BWC records were made associated with that incident. If a report was not filed, the employee will ensure the use of the BWC is noted on the citation or in CAD notes.

Employees will not substitute a BWC recording for a detailed and thorough report.

## REVIEW OF BWC FILES

All recorded media, images, and audio are property of the Department. They shall not be copied, released, or disseminated in any form or manner outside the parameters of this policy without the approval of the Chief of Police or his designee.

Access to the BWC system is logged automatically with the date, time, and name of person viewing BWC files. All file viewing is permitted on a right-to-know and need-to-know basis.

An employee may review BWC files as it relates to:

1. Their involvement in an incident for the purposes of completing a criminal investigation and preparing official reports. If an officer is suspected of wrongdoing or involved in an officer-involved shooting or other serious use of force, the Department reserves the right to limit or restrict an officer from viewing the video file.
2. Prior to courtroom testimony or for courtroom presentations.

3. For potential training purposes (see *Training* below).

Video evidence shall only be accessed from Department authorized computers, such as Department workstations, MCTs or assigned portable data devices. Access to video evidence from a home computer or non-Departmental mobile device is not authorized.

Internal Affairs personnel, supervisors, training staff, and active Field Training Officers may view BWC files to evaluate the performance of an officer.

#### TRAINING

A BWC file or MVR recording may be utilized as a training tool for individuals, specific units, and the Department as a whole. A recommendation to utilize an MVR or BWC file for such purpose may come from any source. The officer recommending utilization of a recording for training purposes shall submit the recommendation through the chain of command to the Training Division Commander.

Field Training Officers may use media captured to provide immediate training to recruits and to assist with the completion of the Daily Observation Report.

#### RETENTION

BWC recordings relating to incidents where criminal charges are filed shall be retained for at least one year after whichever of these events occurs last:

1. The matter is resolved,
2. The defendant has been released from custody,
3. The appeal is final, or
4. One year past the expiration of the statute of limitations.

The BWC recording may be destroyed before a year, provided the District Attorney or other prosecuting agency, all defendants and the City Attorney's Office are notified and given time to object to any destruction of a BWC recording related to a criminal incident. BWC recordings relating to Internal Affairs complaints shall be retained in accordance with Texas Penal Code, Section 832.5, or until the matter has been resolved.

BWC recordings of routine events that are not associated with either a criminal investigation or an Internal Affairs Complaint shall be retained in accordance with MVR procedures presented elsewhere in this section.

#### PUBLIC RECORDS RELEASE

Video recordings from MVR and BWC shall be treated as other forms of direct evidence and subject to discovery and disclosure.

Due to the heightened privacy concerns associated with a video recording, any recording disclosed to the media may be edited to preserve the privacy of individuals unrelated to the case who were captured by the recording when they had a reasonable expectation of privacy.

When appropriate, court orders preventing or limiting the dissemination of the BWC recording shall be secured prior to distribution.

## COMMUNITY PARTNERSHIPS

The Round Rock Police Department enjoys a strong relationship with the community that is evidenced in a number of ways. In 2011, the Department established a Community Affairs Unit to bring information to the community, as well as hear and respond to community concerns. In 2018, a civilian Community Affairs Specialist was added to that group.

The Department keeps tabs on the pulse of the community in many ways. Officers attend neighborhood association meetings and often work to organize new associations and Neighborhood Watch programs. The School Resource Officer program places officers inside secondary schools in Round Rock to work directly with students, faculty, and parents. The City also conducts citizen surveys that routinely give the Department high marks for services rendered and overall customer satisfaction.

The Police Department operates several community programs aimed at providing services not ordinarily expected from a law enforcement agency. The Department administers a Telephone Assurance Program that provides a daily telephone check on the welfare of Round Rock's elderly population. Round Rock Police Department also operates a Lock Box program that places a key to the home of senior citizens in a combination box accessible to public safety personnel so they may enter their home without damaging property in the event of an emergency call.

Public Safety Day and National Night Out events provide formal opportunities for neighborhood residents to meet the officers that directly serve them. In addition, the Department organizes and oversees a Blue Santa program that provides toys, diapers, and food to hundreds of disadvantaged Round Rock citizens each Christmas. The Department also sponsors an active Police Explorers unit to give young people the opportunity to explore law enforcement as a potential career.

In addition, 2019 saw the Department continue two major community programs with the support of local businesses. Junior Police Academy gave students a weeklong exposure to the world of policing. 2019 also saw the sixth annual Back-to-School celebration, where more than 11,000 people took part in the free school supplies, sports physicals, and vision and hearing checks. Another program, RRPD International Community Connection, was initiated in 2015 to build stronger relations with Round Rock's international residents.

The Department conducts two citizens police academies each year. Through the academy and other venues, Round Rock citizens volunteer thousands of hours of their time to Departmental activities every year. Volunteers provide fingerprinting services to the public and assist with warrant/fine collections, as well as a host of other services that the Department otherwise would not be able to provide.

As a result of these initiatives, The National Organization of Black Law Enforcement Executives awarded its Civil Rights Justice by Action Award in 2016 to Chief Allen Banks for the positive strides the Department has made in addressing racial discrimination or bias-based policing in law enforcement. Chief Banks was named 2018 *Citizen of the Year* by the Round Rock Chamber of Commerce, which cited his commitment to community policing in bestowing that honor.

All these partnerships play a critical role in the Department's ability to achieve its mission: *The Round Rock Police Department, in alliance with our community, provides public safety and promotes a high quality of life.*

## RRPD POLICY ON BIAS-BASED PROFILING

The following is from the Round Rock Police Department’s Policy Manual:

### 4/2.07.04 Bias-based Profiling

#### DEFINITIONS

Bias-based Profiling	The selection of an individual(s) based solely on a trait common to a group for enforcement action. This includes but is not limited to race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group or any other identifiable group.
Racial Profiling	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, per Art. 3.05, Texas Code of Criminal Procedures (CCP).
Race or Ethnicity	A person of a particular descent, including Caucasian, African, Hispanic, Asian or Native American descent, Art. 2.132 (2) CCP.
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.

#### LAW

Articles 2.131 through 2.138 and Article 3.05 of the Texas Code of Criminal Procedures defines racial profiling and provides the bulk of applicable law regarding racial profiling regulations and monitoring requirements. Other applicable law regarding racial profiling may be found in Section 96.641 of the Education Code, Sections 1701.253 and 1701.402 of the Occupations Code, and Section 543.202 of the Transportation Code.

#### POLICY

Bias-based profiling in traffic contacts, field contacts, and asset seizure and forfeiture is prohibited. The race, ethnicity, gender, sexual orientation, religion, economic status, age or cultural group of an individual shall not be the sole factor in:

1. Determining the existence of probable cause to take into custody or arrest an individual, or
2. In constituting a reasonable and articulable suspicion that an offense has been or is being committed so as to justify the detention of an individual or the investigatory stop of a motor vehicle.

This policy is established to comply with the requirements of Texas CCP Articles 2.131–2.138. The Department will strive to maintain capabilities of video/audio recording that meet the standards for an exemption to the reporting requirements in accordance with Art. 2.135 CCP.

#### COMPLAINTS

Citizens who wish to file a complaint alleging an act of bias-based profiling will utilize the current complaint process as defined in Section 4/1.02.05, Internal Affairs, of the Department Manual.

Officers who are the subject of a complaint will be provided a copy of any audio and/or videotape records pertaining to the occurrence on which the complaint is based, if a video and/or audio record was made. Other materials related to the complaint will be provided in accordance with Department policy.

#### PUBLIC EDUCATION

The Department's Professional Standards Section will establish a program to provide citizens with information regarding the process for filing complaints against officers that they suspect of engaging in profiling practices. This program should include written materials explaining the process in English and Spanish.

#### CORRECTIVE ACTIONS

Officers who are found to be engaging in practices that may indicate bias-based profiling practices will be investigated in accordance with Section 4/1.02.05, Internal Affairs, of the Department Manual.

#### DATA COLLECTION

The Department will capture and report all data required under Art. 2.132 of the CCP pertaining to all traffic and pedestrian stops. These data include:

- 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;
- Whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;

#### OFFICER RESPONSIBILITIES

Officers will engage in traffic or pedestrian stops in a manner consistent with state law and Departmental policy. It ultimately is the officer's responsibility to insure the collection and internal reporting of all required data. Communications system overload or failure does not preclude the responsibility of data collection under the law.

##### *Traffic Stops*

Officers will conduct traffic stops in accordance with Department procedures and will maximize officer safety over data-collection concerns.

##### *Pedestrian Stops*

Officers will make pedestrian stops as required to ensure public safety and investigate criminal activities, documenting the required data in MFR or on paper.

#### TRAINING DIVISION RESPONSIBILITIES

The Training Division will ensure all Department personnel receive the TCLOESE training concerning bias-based profiling mandated by Section 1701.253, Texas Occupation Code, as well as the Department's policy regarding racial profiling in general, as well as its information-collection and reporting requirements.

## DIVISION RESPONSIBILITIES

The Division Commander ensures all sworn personnel comply with the provisions of this policy and state law. These responsibilities include developing and incorporating procedures for training and conducting traffic and pedestrian stops that support the data-collection requirements of this policy, as well as procedures that support an in-car video/audio tape recording system that complies with CCP Art. 2.135. Division supervisors will be responsible for monitoring officers assigned to them to identify potential profiling practices and provide interdictory guidance, or disciplinary referral as required. Each officer's immediate supervisor will randomly review the videotape for at least one of his/her traffic stops on a monthly basis to confirm video usage and compliance with profiling law.

## OFFICE OF THE CHIEF RESPONSIBILITIES

The Office of the Chief is responsible for oversight of the reporting process. This office will conduct an annual administrative review of data collected, to include community and personnel input, in order to amend Department policies and procedures as necessary to insure compliance with bias-based profiling legislation and policy. The Department may identify other training needs based on administrative reviews of data. The office of the chief will coordinate with the Training Division to offer additional training related to bias-based profiling as required.

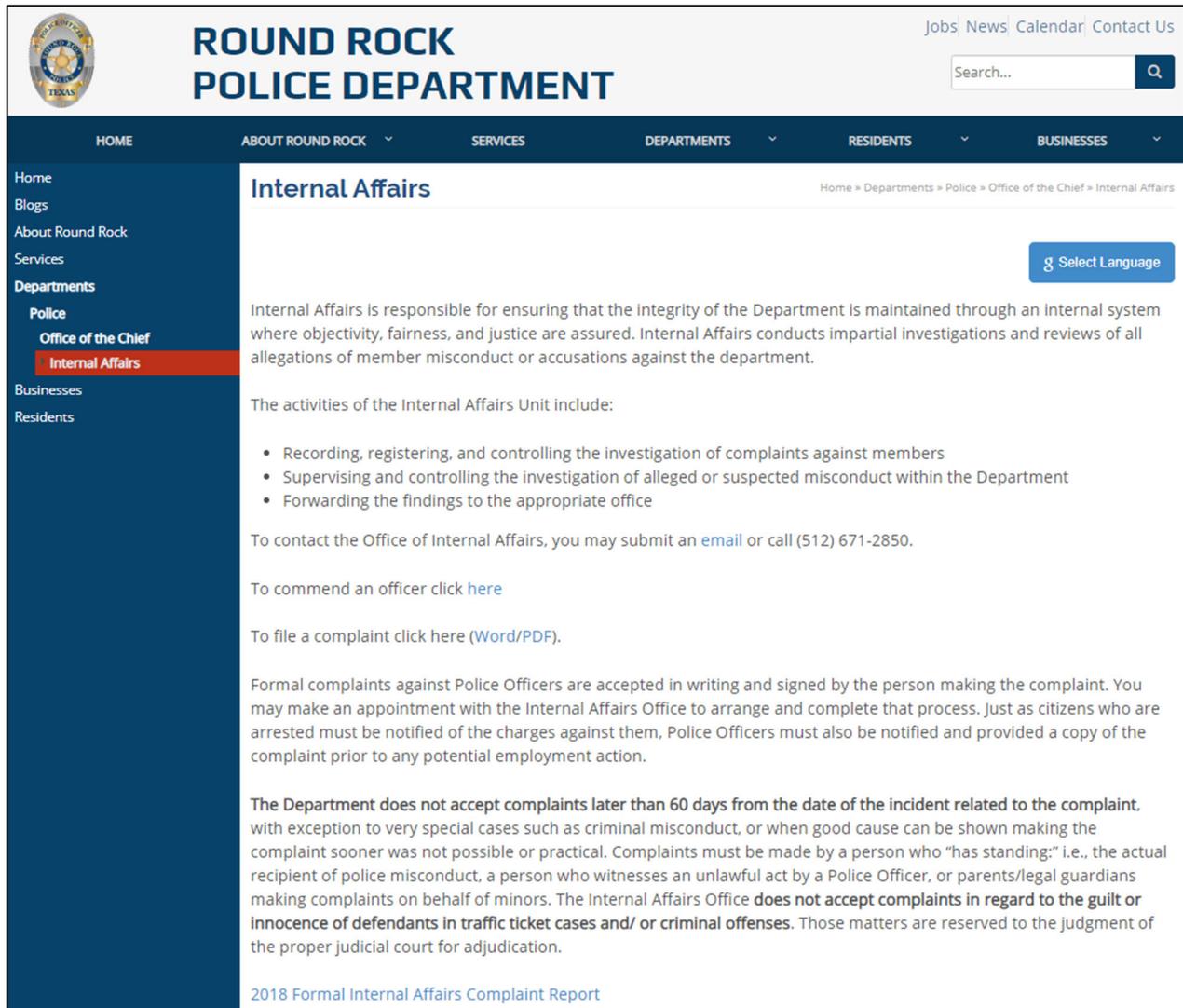
This Office will publish not later than March 1 of each year an annual report that contains information compiled during the previous year; this report will be submitted to the City Council in accordance with Art. 2.134(c) of the CCP.

## COMPLAINT PROCESS ADDRESSING ALLEGATIONS OF RACIAL PROFILING

The City of Round Rock’s webpage provides information about the Department’s Internal Affairs processes via the following URL:

<http://www.roundrocktexas.gov/departments/police/office-chief/internal-affairs-2/>

Also, citizens may call the Police Department at (512) 218-5500 to learn about the Department’s complaint process. Information explaining the complaint process that appears below is posted on the city’s website at the above URL. An important feature added in 2016 is the “select language” button with enables a translation into multiple languages using Google Translate:



The screenshot shows the Round Rock Police Department website. The header includes the department logo, the name "ROUND ROCK POLICE DEPARTMENT", and navigation links for Jobs, News, Calendar, and Contact Us. A search bar is also present. The main navigation menu includes Home, About Round Rock, Services, Departments, Residents, and Businesses. The left sidebar lists various sections, with "Internal Affairs" highlighted under the "Police" department. The main content area is titled "Internal Affairs" and contains the following text:

Internal Affairs is responsible for ensuring that the integrity of the Department is maintained through an internal system where objectivity, fairness, and justice are assured. Internal Affairs conducts impartial investigations and reviews of all allegations of member misconduct or accusations against the department.

The activities of the Internal Affairs Unit include:

- Recording, registering, and controlling the investigation of complaints against members
- Supervising and controlling the investigation of alleged or suspected misconduct within the Department
- Forwarding the findings to the appropriate office

To contact the Office of Internal Affairs, you may submit an [email](#) or call (512) 671-2850.

To commend an officer click [here](#)

To file a complaint click here ([Word/PDF](#)).

Formal complaints against Police Officers are accepted in writing and signed by the person making the complaint. You may make an appointment with the Internal Affairs Office to arrange and complete that process. Just as citizens who are arrested must be notified of the charges against them, Police Officers must also be notified and provided a copy of the complaint prior to any potential employment action.

**The Department does not accept complaints later than 60 days from the date of the incident related to the complaint,** with exception to very special cases such as criminal misconduct, or when good cause can be shown making the complaint sooner was not possible or practical. Complaints must be made by a person who “has standing;” i.e., the actual recipient of police misconduct, a person who witnesses an unlawful act by a Police Officer, or parents/legal guardians making complaints on behalf of minors. The Internal Affairs Office **does not accept complaints in regard to the guilt or innocence of defendants in traffic ticket cases and/ or criminal offenses.** Those matters are reserved to the judgment of the proper judicial court for adjudication.

[2018 Formal Internal Affairs Complaint Report](#)

The following is from the Round Rock Police Department's Policy Manual:

#### **4/1.02.05 Internal Affairs**

##### **PURPOSE**

The mission of Internal Affairs is to review officer-involved critical incidents and investigate complaints received on sworn employees of the Round Rock Police Department. All complaints, whether internally or externally generated, will be thoroughly investigated to ensure the integrity of the Round Rock Police Department. This document outlines procedures for investigations and details officers' rights and responsibilities.

##### **POLICY**

1. Internal Affairs (IA) is responsible for investigating:
  - A. Violations of Department policies and rules resulting from alleged or suspected violations of the law
  - B. Alleged or suspected violations of Department policies and rules without a criminal component
  - C. Critical incidents, regardless of any allegations of misconduct, such as:
    - (1) Pursuits resulting in serious bodily injury or death
    - (2) Officer-involved shootings
    - (3) Any incident resulting in serious injury or death
  - D. Administrative complaints.
2. When any unit of the Department investigates alleged criminal misconduct by an employee, the Chief of Police and Internal Affairs will be notified immediately. IA will conduct an investigation of the suspected misconduct independent of any criminal investigation.
3. Internal Affairs will investigate complaints made by Department members or citizens – including those made anonymously.

##### **COOPERATING WITH INVESTIGATIONS**

All employees will cooperate with Internal Affairs as if they were addressing the Chief of Police. Employees who fail or refuse to cooperate with Internal Affairs will be subject to disciplinary action

##### **CONFIDENTIALITY OF INFORMATION**

All information relating to an Internal Affairs investigation is confidential.

1. Employees will not disclose or discuss details of a case with anyone, except:
  - A. Internal Affairs Investigator(s) assigned to the case.
  - B. The employee's attorney.
  - C. Other persons specifically designated by the Chief of Police.

2. Internal Affairs employees or command staff members will not disclose or discuss information about any investigation with anyone who does not have a legitimate need-to-know.

#### COMPLAINT/CRITICAL INCIDENT PROCESS

Internal Affairs will conduct an initial evaluation of a critical incident or a complaint to determine the level of investigation required. The complaint may be classified as one of four types of investigations, depending on the severity and nature of the complaint.

1. Class A complaints – allegations of a serious nature or potentially complex investigations which include, but are not limited to, allegations of:
  - A. Criminal misconduct.
  - B. Excessive force with injury requiring medical attention at a medical facility.
  - C. Serious violations of policy, rules, and regulations.
  - D. Conduct that challenges the integrity, good order, or discipline of the Department.
2. Class B complaints
  - A. Class B complaints are generally less serious violations of Department policy, rules, and regulations. They include, but are not limited to allegations of:
    - (1) Less-serious violations of Department policies and procedures, e.g. profanity, belittling language, inadequate police service, minor traffic violations, etc.
    - (2) Excessive force without injury, or with minor injuries not requiring medical attention at a medical facility.
    - (3) Negligent damage or loss of property.
  - B. Class B complaints may be internal complaints (generated from within the Department) or external complaints (generated from outside the Department).
  - C. Some Class B complaints which initially appear to be less serious may, upon further investigation, involve allegations of a more serious or complex nature. In those cases, the decision will be made by the Investigator whether the investigation should be referred back to Internal Affairs or be completed by the initiating Investigator.
3. Class C complaints
  - A. Class C complaints are complaints that do not fit into the Class A or Class B category and meet one or more of the following criteria:
    - (1) The complaint does not rise to the level of a policy violation, but there may be training or performance issues identified.
    - (2) The complaint is of a less serious nature, and the complainant refuses to cooperate pursuant to Texas State Law, (i.e. the complainant refuses to sign a statement or cooperate after being contacted by Internal Affairs.)
    - (3) The complaint has been initiated after an unreasonable period of time – usually 180 days or greater.
    - (4) The allegation(s) is made against an officer who cannot be identified.

- (5) The complaint is received from an employee and would be best-handled through the City's grievance procedure.
  - (6) There is an allegation of ongoing criminal activity – the investigation of which may be jeopardized if IA becomes involved at that time. Allegations of this nature are subject to IA investigation upon the conclusion of the criminal inquiry.
  - B. Class C complaints will be reviewed by IA, the officer's chain of command, and the Chief of Police or his/her designee.
    - (1) If all of the above agree with the initial classification, the complaint will be closed administratively.
    - (2) If it is determined that additional investigative follow-up is needed, the complaint will be reclassified as either a Class A or Class B complaint and handled accordingly.
  - C. Internal Affairs will forward a copy of all closed Class C complaints to the divisional commander of the officer who is the subject of the investigation.
4. Class D complaints
- A. Class D complaints are those in which there is no allegation of officer misconduct and are recorded for information only. Class D complaints include situations in which:
    - (1) The complainant simply wants clarification on an officer's conduct.
    - (2) The complainant wants clarification of or disagrees with RRPD policy or state law, and the officer's individual conduct is not the issue.
    - (3) There is solely a disagreement about whether a complainant should have been arrested or issued a traffic citation.
    - (4) The complainant is making a clearly irrational complaint – such as the officer is using telepathic powers to harm him/her.
  - B. Class D complaints do not result in an investigation being initiated. However, these contacts are recorded by Internal Affairs for documentation purposes only.

#### RESPONSIBILITY

1. The Internal Affairs Investigator will notify the Chief of Police or his/her designee of all complaints of a serious nature, including:
  - A. Allegations of criminal misconduct by an RRPD employee.
  - B. Serious breaches of Departmental integrity.
  - C. Complaints likely to result in criticism of the Department.
  - D. Unusual complaints which are likely to be closely scrutinized.

Nothing in this order will preclude the IA Commander from directly notifying the Chief of Police when complaints are received that require his/her immediate attention.

2. Investigative responsibility
  - A. Internal Affairs Investigator(s) will investigate:
    - (1) Officer-involved critical incidents.

- (2) Class A complaints.
- (3) Administrative complaints.
- B. IA will investigate Class B external complaints. The supervisor of the officer being investigated may be required to assist in the investigation.
- C. The officer's chain of command may investigate Class B internal complaints.
- 3. Other Internal Affairs responsibilities include:
  - A. Maintaining records of complaints, administrative investigations, and disciplinary actions.
  - B. Assisting the officer's chain of command in preparing for the administration of formal disciplinary action.
- 4. Unless directed otherwise by the Chief of Police:
  - A. All complaints on civilian employees will be forwarded to Professional Standards for logging then referred to the City Human Resources Department.
  - B. All non-criminal complaints involving civilian employees will be investigated by the City Human Resources Department.

#### RECEIVING/DOCUMENTING COMPLAINTS

1. Every employee (sworn and non-sworn) of the Department is responsible for receiving and documenting complaints from the public.
  - A. When an employee is aware of a complaint being made against him or her, the employee under complaint will notify a supervisor. The supervisor notified of the complaint will speak with the complainant and properly document the complaint in the IA Complaint Module. Supervisors will not ignore messages from complainants. Any supervisor notified of a complaint is required to contact the complainant within three (3) working days of the time the message is received.
  - B. Any employee made aware of an external complaint against another member of the Round Rock Police Department will notify a supervisor. If a supervisor is not available, the employee will forward the information to internal affairs.
  - C. Complaints of a serious nature require the immediate notification of a supervisor. Once that supervisor gathers the necessary information from the complainant, he or she will contact the Internal Affairs Investigator.
2. Complaint Format
  - A. Formal complaints received in IA must be in writing and signed by the complainant.
  - B. Complaints received in the form of a letter will be forwarded to Internal Affairs.
  - C. Persons coming to or telephoning the Department to file a complaint shall be referred to IA.
    - (1) In the event that Internal Affairs is unavailable, the complainant shall be referred to the next supervisor in the chain of command.
    - (2) In the event a supervisor within the employee's chain of command is unavailable,

the complaint shall be referred to any employee of supervisory status, preferably within the same operational component of the employee being complained against.

3. All external complainants will receive notification in writing from Internal Affairs advising them the complaint has been received. The complainant will be updated periodically on the status of the investigation regarding officer misconduct and the final disposition of all complaints.
4. An employee may be investigated based on an anonymous complaint if the allegations are deemed serious and would jeopardize the integrity of the employee or the Department.

#### INVESTIGATIVE PROCESS

1. The person assigned to conduct an investigation cannot be:
  - A. The ultimate decision-maker regarding disciplinary action or
  - B. Personally involved in the alleged misconduct.
2. Sworn employees
  - A. The assigned Investigator will prepare an Administrative Investigation Notice which explains the nature of the complaint and the accused, sworn employee's rights and responsibilities.
    - (1) Except as provided in 2.b below, the subject of the investigation will receive at least 48 hours prior notice to his or her initial interview. The employee will be advised, in writing, of the date and time of the initial interview and that the interview will be recorded. An employee may waive the 48-hour period and proceed with the initial interview.
  - B. IA or a field supervisor conducting an on-scene investigation may interview an employee immediately without furnishing an employee notification of internal investigation. The administrative investigation notice will be issued as soon as is practical thereafter.
  - C. An Investigator may interview an employee who is the subject of an investigation only during the employee's normal working hours unless:
    - (1) The seriousness of the investigation, as determined by the Chief of Police or the IA commander, requires interviewing at another time; and
    - (2) The employee is compensated for the interview time on an overtime basis.
  - D. A sworn employee who is the subject of an investigation has the right to be informed of the identity of every Investigator who will be participating in any interview of the employee.
3. Investigations of non-sworn employees conducted by Internal Affairs instead of the City Human Resources Department generally will follow the procedure outlined in No. 2.
4. Interviews of the subject of an investigation may not be unreasonably long. In determining reasonableness, the gravity and complexity of the investigation must be considered. Investigators will allow reasonable interruptions to permit the employee to attend to personal physical necessities.

5. An Investigator may not threaten the subject of an investigation with punitive action. An Investigator may inform an employee that failure to truthfully answer reasonable questions directly related to the investigation or failure to cooperate with Internal Affairs during the investigation may result in disciplinary action.
6. If prior notification of intent to record an interview is given to the Investigator, the employee being interviewed may record the interview.
7. If the Investigator determines that any significant discrepancies exist between the allegations and the employee's response, efforts will be made to resolve the discrepancies.
8. A representative of the employee's choosing or attorney for the employee may be present during the interview to observe only but will not participate in the interview or act as a consultant. Any failure to adhere to this rule may result in removal of the representative or attorney from the interview room.
9. When the actions are material to a particular investigation, Internal Affairs may order an employee to:
  - A. Conduct a videotaped reenactment,
  - B. Be photographed,
  - C. Participate in a physical lineup,
  - D. Submit financial disclosure statements or
  - E. Produce documents reasonably related to an investigation.
10. The Chief of Police may issue a direct order that an employee submit to a:
  - A. Polygraph examination, if the Chief considers the circumstances to be extraordinary or believes the employee's or Department's integrity is in question;
  - B. Drug or alcohol screening; and
  - C. Psychological evaluation.
11. Upon the investigation's completion, the investigator will prepare a summary including but not limited to the following:
  - A. Introduction of the complaint
  - B. General description of the allegations made by the complainant
  - C. Employee's response
  - D. List of civilian witnesses
  - E. List of police witnesses
  - F. Any physical evidence
  - G. Discrepancies
  - H. Summary of the facts concerning each allegation
  - I. A conclusion of fact for each allegation and its classification
  - J. The signature of the Investigator

## CLASSIFICATION OF COMPLAINTS

The results of complaints can be classified as:

1. Unfounded – the allegation is false or not factual.
2. Exonerated – the incident complained of occurred but was lawful and within policy.
3. Not sustained – insufficient evidence exists either to prove or disprove the allegation(s).
4. Sustained – the allegation is supported by a preponderance of the evidence, and/or acts of misconduct were discovered during the investigation which was not alleged in the complaint.
5. Policy failure – the act did occur and was in compliance with Department policy. However, it is also determined that the allegation of misconduct could have been prevented had policy been more clear or complete.
6. Administratively closed – complaints will be administratively closed under the following circumstances:
  - A. An administrative inquiry has been conducted and no allegations were made or misconduct discovered; or
  - B. The Chief of Police or his/her designee has reviewed the complaint and confirmed that the case should be administratively closed. The Internal Affairs Investigator will document the justification for the closure.

## SUSTAINED COMPLAINTS

1. When an investigation recommends that a Class A or B complaint against an employee be classified as sustained:
  - A. IA will send a copy of the investigation packet to the employee's Division Commander for review.
  - B. After the employee's division commander reviews a sustained complaint, that commander may convene a pre-disciplinary review board as outlined section 4/1.12.01, *Disciplinary Actions and Appeals*. Should the Division Commander have questions regarding the investigation, the commander will meet with the Internal Affairs investigator to resolve any outstanding issues prior to convening a pre-disciplinary review board.
  - C. Internal Affairs will notify the complainant in writing of the final classification of the investigation.

## CLASSIFICATIONS OTHER THAN SUSTAINED

1. Internal Affairs will notify the complainant in writing of the final classification of the investigation.
  - A. The case file will be delivered to the employee's commander for distribution to the chain of command for review.
  - B. The Division Commander will ensure that the chain of command reviews the case within fifteen (15) days in order to discuss and either agree or disagree with the recommended classification.
  - C. If the chain of command recommends a different classification than that recommended by Internal Affairs, the divisional commander will so note and will return the case file to Internal Affairs.

## **TRAINING ADMINISTERED TO LAW ENFORCEMENT PERSONNEL**

All newly hired officers who have not completed or are not currently trained in bias-based profiling are required to complete a Texas Commission on Law Enforcement (TCOLE) training and education program on racial profiling as part of their introductory police officer phase of employment with the City of Round Rock.

## DATA COLLECTION AND METHODS

Racial profiling analysis essentially takes a police agency's data on police contacts for race/ethnicity and compares the results against other data thought to reflect the nature of the population that uses a jurisdiction's roadways. Thus, there is more than one set of data to be considered: that of the agency's contacts and that of the baseline against which the agency is being compared. As indicated in the Department's policy on racial profiling, the state-mandated information on police contacts is captured in the Department's Records Management System.

There is no state standard established for the development of baseline data, and there are several potential sources from which such data may be drawn. This report provides analysis based on the Texas Department of Public Safety (DPS) driver license data. Baseline data reflecting a community's residents, however, do not account for the matter of commuter traffic. Round Rock is bisected by Interstate 35, and the SH 130 and SH 45 toll roads both affect the population of drivers passing through the City. As a result, Round Rock sees significant commuter traffic from Georgetown and points north, as well as Hutto, and Taylor; neglecting commuter traffic is a potentially serious source of error in whatever baseline is established. Of this report's 32,351 motor vehicle contacts, 44 percent were made with nonresidents and 55 percent were City residents (the balance is not specified). This result underscores how important nonresidents are in considering baselines.

The use of DPS data as a basis for comparing local racial profiling information strictly within the City of Round Rock creates some difficulties. DPS data are available to local agencies on the basis of zip code. Most of the City is captured within 78664, 78665, and 78681 zip codes (figure 1); DPS data drawn in January 2020 for these areas were provided to the Department to provide a baseline used in this analysis.

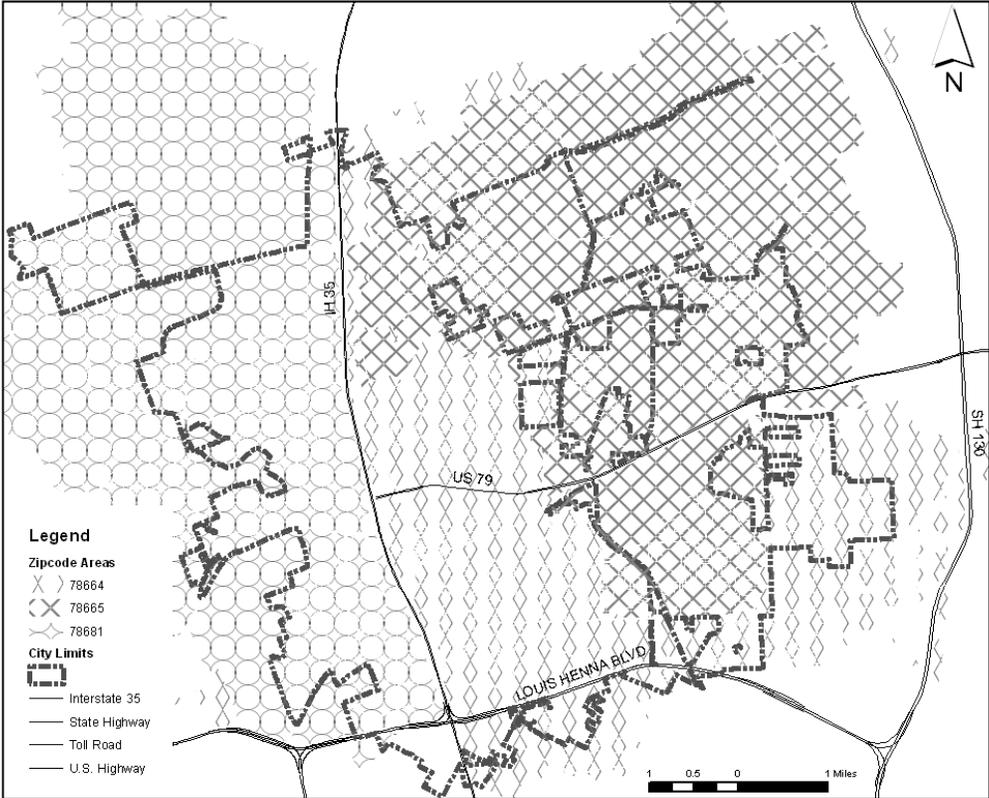
Another complicating factor in using DPS data is that until 2011, DPS did not track *Hispanic* ethnicity in its driver license data on race. Starting in the study year, Texas drivers could obtain first-time or renewal driver licenses indicating *Hispanic* as a distinct race category. For example, the DPS baseline now allows someone to be *White* or *Hispanic* – but not both. In response to this change, our Department's data-collection also now follows that approach as it regards *Hispanic* ethnicity. Second, the 2019 DPS baseline shows that the zip codes combined to serve as a proxy for the City driving population has a *Hispanic* population of 12.5 percent – which is clearly not the case when compared with Census data, as shown in Table 1. It will take several more years before enough driver license renewals occur for a DPS baseline estimate of *Hispanic* drivers approaches the true population in a given zip code.

This report compares Department data regarding contacts with the public with the current DPS baseline data while understanding the shortcomings described earlier. In addition, this report limits the results to those categories and responses required to be submitted to TCOLE. Only those contacts as a result of motor vehicle stops with a result of warning, citation or arrest are considered in this report. One impact of this change in reporting is that TCOLE makes no provision for drivers in an "other" race/ethnicity category.

The data in Table 1 reflect changes in the population and demographics of our community over the past decade or more, as is indicated in Table 1. Census Bureau data show the City's population grew 63.4 percent from 2000 to 2010 after doubling in the previous decade. During 2000-2010, *Whites* dropped 6 percentage points to reach 70.8 percent of the City's total population. The

relative share of *Hispanic* residents grew nearly 7 percentage points over that time frame in the census data. The share of *African Americans* in Census data grew to 9.8 percent in the 2010 census, and the 2019 DPS baseline shows the share of these drivers living in the three zip codes was 10.4 percent. The share of *Asians* grew to reach 5.2 percent in the 2010 census and represented 9.3 percent of the driving population of the zip codes used for this report’s baseline.

**Figure 1. Map of Zip Codes Covering the City of Round Rock**



**Table 1. Demographics of Round Rock in the Most Recent Two Census Counts and Recent DPS Baselines**

Category	2000 Census*	2010 Census*	2012 DPS Baseline	2019 DPS Baseline
White	76.8%	70.8%	79.0%	65.2%
Hispanic	22.1%	29.0%	2.3%	12.2%
African American	7.7%	9.8%	9.8%	10.4%
Asian	3.0%	5.2%	6.4%	9.3%
Native American	0.5%	0.7%	0.2%	0.3%
Other	12.0%	13.5%	2.4%	2.5%
Total Population	61,136	99,887	128,288	178,731

\*Census total percentages exceed 100 percent due to double-counting with the *Hispanic* category. DPS data treat *Hispanic* as a race exclusive to other categories.

Sources: U.S. Census Bureau, Texas Department of Public Safety

Finally, as with the 2018 data, the Department saw issues with the 2019 data set for bias-based profiling review. After the issues specified in the 2018 report, the Department worked diligently with its Records Management System vendor to address the system issues identified during the

2018 review. By December, several of the issues identified had been remedied. However, the Department has identified 328 vehicle contact records from 2019 that are incomplete and not included in this report. The Department continues to work with the vendor to resolve the business-rule issues that allowed the issues to occur.

## **COMPLAINTS FILED AGAINST OFFICERS FOR VIOLATING BIAS-BASED PROFILING**

As was stated earlier in the Department policy on the complaints process, complaints against members of the Department are investigated and tracked by the Internal Affairs Detail, which is housed within the Office of the Chief of Police. In 2019, the Department received four complaints of bias-based policing. In two of these 2019 cases, the officers were exonerated; the other two cases were determined to be unfounded.

The previous year, the Department received one complaint of bias-based policing in which the officer was exonerated.

## ANALYSIS AND INTERPRETATION OF DATA

Tables 2 and 3 provide the general demographics of contacts and searches and comparisons with the 2019 DPS baseline data of 32,473 motor vehicle stops with a result of warning, citation or arrest in 2019. Table 2 presents the general results – both in raw numbers and the percent of total for each race/ethnicity category. Consistent with DPS’s approach in its driver license data, the racial profiling module in our Department’s mobile field reporting system captures *Hispanic* ethnicity as one among several exclusive categories of race/ethnicity. Comparing the percentages of contacts, searches, and custody arrests in Table 2 shows variation by race in the relative share of contacts, searches, and arrests. *Whites* comprise 50.8 percent of all contacts but 39.9 percent of all searches and 41.3 percent of arrests. On the other hand, *African Americans* comprise 16.6 percent of all contacts, 22.8 percent of all searches, and 34.7 percent of custody arrests. *Asian and Native American* race/ethnicity categories all saw lower relative shares of searches and arrests compared with their percentages of all contacts.

**Table 2. General Demographics of RRPD Contacts, Searches, and Arrests**

Race/Ethnicity	Contacts		All Searches		Consensual Searches	
	Number	Percent	Number	Percent	Number	Percent
White	16,444	50.8%	498	39.3%	223	40.6%
Hispanic	8,552	26.4%	472	37.3%	230	41.9%
African American	5,361	16.6%	285	22.5%	90	16.4%
Asian	1,631	5.0%	10	0.8%	6	1.1%
Native American	363	1.1%	1	0.1%	0	0.0%
TOTAL	32,351	100.0%	1,266	100.0%	549	100.0%

Race/Ethnicity	Probable Cause Searches		Other Search Categories*		Custody Arrest	
	Number	Percent	Number	Percent	Number	Percent
White	147	37.6%	128	39.3%	362	40.8%
Hispanic	126	32.2%	69	21.2%	200	22.5%
African American	115	29.4%	127	39.0%	316	35.6%
Asian	2	0.5%	2	0.6%	9	1.0%
Native American	1	0.3%	0	0.0%	0	0.0%
TOTAL	391	100.0%	326	100.0%	887	100.0%

\*These categories are *Contraband in Plain View, Inventory, and Incident to Arrest*.

NOTE: Percentages may not sum to 100.0% due to rounding error.

SOURCE: Round Rock Police Department

Table 3 compares the aggregate data for contacts presented above with the 2019 DPS baseline data, dropping “Others” from the analysis. The first five categories are self-explanatory, but the categories under “Variance from DPS” require some explanation. The *number* variance represents the numerical difference between what the Department collected in its data and the number of contacts by race/ethnicity category that *would have been collected* had Department data exactly matched the baseline percentages. For example, *African Americans* comprise 5,361 (16.6 percent) of the Department’s 32,351 contacts in 2019. Had the Department’s contacts data exactly matched the DPS population baseline, 10.7 percent (or 3,462) of the Department’s contacts in 2019 would have been of *African Americans*. Thus, the numerical variance is 1,899 stops (5,361 – 3,462 = 1,899), a number which can be compared with the Department’s data. The

percent variance simply represents the percentage-point difference between Department and baseline data. Thus, the difference for *African Americans* is 16.6 percent (RRPD data) less 10.7 percent (DPS data), for a percent variance of +5.9 percentage points.

**Table 3. Comparison of Resident Contacts and DPS Baseline Data**

Race/Ethnicity	Contacts		DPS Baseline Data		Variance from DPS	
	Number	Percent	Number	Percent	Number	Percent
White	16,444	50.8%	116,615	66.9%	-5,206	-16.1%
Hispanic	8,552	26.4%	21,817	12.5%	4,502	13.9%
African American	5,361	16.6%	18,645	10.7%	1,899	5.9%
Asian	1,631	5.0%	16,560	9.5%	-1,443	-4.5%
Native American	363	1.1%	616	0.4%	249	0.8%
Total	32,351	100.0%	174,253	100.0%	0	0.0%

Table 3 shows a high variance from the DPS baseline both for White and Hispanic categories. However, as previously described, DPS is still but a few years into its change of approach for counting Hispanic ethnicity on driver licenses. Compared with earlier DPS baselines, the percent of Hispanic drivers in the Round Rock baseline has grown from 2.3 percent in 2012 to 12.5 percent as shown in Table 3. As more licenses are renewed, we can anticipate the percentage of those with Hispanic ethnicity to rise in the DPS baseline to a level closer to the Census population of Hispanics. As has been the case for a few years, the negative variance for Whites is close to the positive variance for Hispanics, which suggests that many contacts are occurring with subjects who may currently be listed as White in the DPS data but are considered Hispanic in encounters with police.

Also among the requirements for this annual review is to examine potential differences between police response to subjects when officers know the race or ethnicity of the person before they make a stop. Table 4 presents the data for that question. Tables 5 through 7 present the general location of contacts by race/ethnicity, disposition of stops by race/ethnicity, and contraband found in searches by the race/ethnicity.

**Table 4. 2019 Officer Contacts and Officer Knowledge of Race or Ethnicity Prior to Contact**

Race/ Ethnicity	Knew Race/Ethnicity		Did Not Know Race/Ethnicity		Total	
	#	% of Total	#	% of Total	#	% of Total
White	286	54.7%	16,158	50.8%	16,444	50.8%
Hispanic	117	22.4%	8,435	26.5%	8,552	26.4%
African American	101	19.3%	5,260	16.5%	5,361	16.6%
Asian	11	2.1%	1,620	5.1%	1,631	5.0%
Native American	8	1.5%	355	1.1%	363	1.1%
Total	523	1.6%	31,828	98.4%	32,351	100.0%

**Table 5. General Location of 2019 Motor Vehicle Stops by Race/Ethnicity of Contacts**

Race/ Ethnicity	City Street		U.S. Highway		County Road		State Highway	
	#	% of Total	#	% of Total	#	% of Total	#	% of Total
White	15,004	51.6%	884	41.0%	15	53.6%	472	50.3%
Hispanic	7,431	25.5%	835	38.7%	4	14.3%	239	25.5%
African American	4,816	16.6%	353	16.4%	4	14.3%	165	17.6%
Asian	1,525	5.2%	57	2.6%	3	10.7%	42	4.5%
Native American	312	1.1%	26	1.2%	2	7.1%	21	2.2%
Total	29,088	100.0%	2,155	100.0%	28	100.0%	939	100.0%

Race/ Ethnicity	Private Property or Other	
	#	% of Total
White	69	48.9%
Hispanic	43	23.0%
African American	23	16.3%
Asian	4	2.8%
Native American	2	1.4%
Total	141	100.0%

**Table 6. 2019 Dispositions of Officer Contacts and Race/Ethnicity of Contacts**

Race/ Ethnicity	Verbal Warning		Written Warning		Citation		Arrest	
	#	% of Total	#	% of Total	#	% of Total	#	% of Total
White	10,668	53.1%	243	52.8%	5171	47.4%	324	41.4%
Hispanic	4,814	24.0%	115	25.0%	3307	30.3%	279	35.7%
African American	3,382	16.8%	81	17.6%	1698	15.6%	173	22.1%
Asian	982	4.9%	17	3.7%	623	5.7%	6	0.8%
Native American	247	1.2%	4	0.9%	112	1.0%	0	0.0%
Total	20,093	100.0%	460	100.0%	10,911	100.0%	782	100.0%

Race/ Ethnicity	Written Warning & Arrest		Citation & Arrest	
	#	% of Total	#	% of Total
White	0	0.0%	38	37.6%
Hispanic	1	25.0%	36	35.6%
African American	2	50.0%	25	24.8%
Asian	1	25.0%	2	2.0%
Native American	0	0.0%	0	0.0%
Total	4	100.0%	101	100.0%

Finally, among the changes introduced by the Sandra Bland Act is a requirement to track whether officers used “physical force that resulted in bodily injury...during the stop.” The Department has long tracked what it calls *Response to Resistance or Aggression* incidents. In calendar 2019, the Department saw eight Response to Resistance or Aggression incidents arising from traffic contacts. The previous year saw two such incidents. Of the 2020 incidents, five involved a white male, one involved a white female, and two involved a Hispanic male. Command Staff review of these incidents found all to be within the Department’s policy and training.

**Table 7. Contraband Found in 2018 Contacts by Race/Ethnicity**

<b>Race/ Ethnicity</b>	<b>Drugs</b>	<b>Currency</b>	<b>Weapons</b>	<b>Alcohol</b>	<b>Stolen Property</b>	<b>Other</b>	<b>Total</b>
White	94	0	10	25	2	59	190
Hispanic	67	0	7	15	1	32	122
African American	67	2	2	21	2	60	154
Asian	2	0	1	0	0	1	4
Native American	1	0	0	0	0	0	1
<b>Total</b>	<b>231</b>	<b>2</b>	<b>20</b>	<b>61</b>	<b>5</b>	<b>152</b>	<b>471</b>

**DATA AS SUBMITTED TO TCOLE:**

**Racial Profiling Report**

**Agency Name:** Round Rock Police Department  
**Reporting Date:** March 1, 2020  
**TCOLE Agency Number:** 491207  
**Chief Administrator:** Allen J. Banks, Chief of Police  
**Agency Contact Information:** Rick White  
**Phone:** (512) 218-5524  
**Email:** rwhite@roundrocktexas.gov  
**Mailing Address:** 2701 N Mays St., Round Rock TX 78665

By submitting, the chief administrator affirms that the agency has a policy in place in accordance with Texas Code of Criminal Procedure §2.132, and that the policy:

- (1) clearly defines acts constituting racial profiling;
- (2) strictly prohibits peace officers employed by the agency from engaging in racial profiling;
- (3) implements a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;
- (4) provides public education relating to the agency's compliment and complaint process, including providing the telephone number, mailing address, and email address to make a compliment or complaint with respect to each ticket, citation, or warning issued by a peace officer;
- (5) requires appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article;
- (6) requires collection of information relating to motor vehicle stops in which a ticket, citation, or warning is issued and to arrests made as a result of those stops, including information relating to:
  - (A) the race or ethnicity of the individual detained;
  - (B) whether a search was conducted and, if so, whether the individual detained consented to the search;
  - (C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and
  - (D) whether the peace officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code, during the stop;
  - (E) the location of the stop; and
  - (F) the reason for the stop; and

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

(A) the Texas Commission on Law Enforcement; and

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

## **Agency Racial Profiling Information**

Total stops: 32,351

### **1. Gender**

CCP 2.133(b)(1)(a)

**1.1 Female:** 19,196

**1.2 Male:** 13,155

### **2. Race or ethnicity**

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

**2.1 Black:** 5,361

**2.2 Asian/Pacific Islander:** 1,631

**2.3 White:** 16,444

**2.4 Hispanic/Latino:** 8,552

**2.5 Alaska Native/American Indian:** 363

### **3. Was race or ethnicity known prior to stop?**

CCP 2.132(b)(6)(C)

**3.1 Yes:** 523

**3.2 No:** 31,828

### **4. Reason for stop?**

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

**4.1 Violation of law:** 1,864

**4.2 Preexisting knowledge:** 491

**4.3 Moving traffic violation:** 20,186

**4.4 Vehicle traffic violation:** 9,810

**5. Street address or approximate location of the stop**

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

**5.1 City street:** 29,088

**5.2 US highway:** 2,155

**5.3 County road:** 28

**5.4 State highway:** 939

**5.5 Private property or other:** 141

**6. Was a search conducted?**

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

**6.1 Yes:** 1,266

**6.2 No:** 31,085

**7. Reason for Search?**

**7.1 Consent:** 549

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

**7.2 Contraband in plain view:** 47

CCP 2.133(b)(5)(A)

**7.3 Probable cause:** 391

CCP 2.133(b)(5)(B)

**7.4 Inventory:** 175

CCP 2.133(b)(5)(C)

**7.5 Incident to arrest:** 104

CCP 2.133(b)(5)(C)

**8. Was Contraband discovered?**

CCP 2.133(b)(4)

**8.1 Yes:** 471

**8.2 No:** 795

**9. Description of contraband**

CCP 2.133(b)(4)

**9.1 Drugs:** 231

**9.2 Currency:** 2

**9.3 Weapons:** 20

**9.4 Alcohol:** 61

**9.5 Stolen property:** 5

**9.6 Other:** 152

## 10. Result of the stop

<b>10.1 Verbal warning:</b> 20,093	CCP 2.133(b)(8)
<b>10.2 Written warning:</b> 460	CCP 2.133(b)(8)
<b>10.3 Citation:</b> 10,911	CCP 2.133(b)(8)
<b>10.4 Written warning and arrest:</b> 4	
<b>10.5 Citation and arrest:</b> 101	
<b>10.6 Arrest:</b> 782	CCP 2.133(b)(6)

**Arrest Total = 887**

## 11. Arrest based on

CCP 2.133(b)(6)

- 11.1 Violation of Penal Code:** 405
- 11.2 Violation of Traffic Law:** 281
- 11.3 Violation of City Ordinance:** 2
- 11.4 Outstanding Warrant:** 199

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

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

- 12.1 Yes:** 8
- 12.2 No:** 32,343

## **FINDINGS AND RECOMMENDATIONS**

As stated earlier, reviewing statistical records to assess whether our Department is experiencing a problem with bias-based profiling is fraught with pitfalls. Comparisons with the DPS driver license data are suspect because, as indicated earlier, 44 percent of those stopped by Round Rock police in 2019 were non-residents. Lacking comparison data that accurately reflect the nature of the population driving within the City of Round Rock, the usefulness of data analysis is suspect in identifying bias-based profiling trends. However, the continuing effort to collect police contact data – as well as the Department’s commitment to training and community policing – will assure an ongoing evaluation of Department practices over time.

Other evidence supporting a conclusion that the Department is not experiencing a bias-based profiling problem includes few complaints since these data started being tracked in the early years of the last decade. In none of these cases since reporting began has an investigation shown officer misconduct. In accordance with state law, the Department has put the mechanisms in place to track residence contacts and address bias-based policing if it were to occur. Also, the Department enjoys wide community support and interacts with the community on many different levels.

The Sandra Bland Act requires that upon compiling annual data for this report, agency chief administrators are to assess the feasibility of equipping officers with body-worn cameras and whether a need exists for changes to motor vehicle stop practices or policies. The Department completed full implementation of body worn cameras in 2017. As stated earlier, practices and policies must adhere to accreditation standards, and the Department remains committed to a regular review of all practices and policies. The Department will continue to work with its information systems vendor to address data-collection efforts to meet the state mandate. In addition, the Department amended its policy on police recordings in 2019 to require approval by the Chief of Police before body worn camera video footage can be deleted.

Based on these findings, the Department plans to:

- Continue providing diversity sensitivity training in accordance with TCOLE and City mandates.
- Continue to work to maintain police accreditation through the Commission on the Accreditation of Law Enforcement Agencies.
- Continue disseminating information to all officers regarding guidelines of behavior acceptable under the Texas Racial Profiling Law.
- Continue to provide training updates to officers regarding changes in case law associated with arrests, searches, and seizures.
- Continue to work to increase the number of personnel capable of conversing in other languages, including sign language.
- Continue to work to maintain working relationships throughout the community.
- Continue to conduct annual administrative reviews of agency practices and policies, to include citizen concerns.
- Continue to take steps to increase the Department’s transparency to the public – including the continued use of body-worn cameras.