

**Round Rock Police Department
2020 Bias-Based Policing Report**

January 29, 2021

Round Rock Police Department 2020 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 provide comparative analysis regarding the motor vehicle contacts made in 2020 as required by law. This information is compared with previous reports and with data on driver-licensed individuals residing in the Round Rock area provided by the Texas Department of Public Safety. City 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

- (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 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.

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. In the late 1960s, the City hired multiple police officers for the first time under Chief Talmon Jackson. 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 37th 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 put 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

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.

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

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 noncompliance 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 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

15. 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.
16. 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:

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

Static situations may change rapidly. Officers need to recognize it may be necessary to reactivate 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

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. Though it is phasing out, 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.

With the emergence of COVID-19 in 2020, the Department saw major community programs like the Junior Police Academy and annual Back-to-School celebration placed on hold while other events were scaled back or re-created in virtual versions. The Department anticipated returning to more normal community service operations in 2021.

Under normal conditions, 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.*

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.

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.

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". A left sidebar lists various categories, with "Internal Affairs" highlighted under the "Police" section. 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.

[2019 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

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.

- 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.

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

- 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.

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 17,995 motor vehicle contacts, 48 percent were made with nonresidents and 49 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).

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 that 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 baseline available for this report 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 the Census data shown in Table 1. It will take several years before enough driver license renewals occur for a DPS baseline estimate of *Hispanic* drivers approaches the true population in a given zip code.

Updated DPS baseline data from these zip codes was not provided to the Department in time to be considered for this report. Instead, this report re-uses data provided by the agency in January 2020 for this analysis. In addition, this report provides some comparison with previous years' reports. 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. 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

identified 224 vehicle contact records from 2020 that are incomplete and not included in this report. The Department anticipates it will not see future data issues that require culling data from this report.

In addition, the arrival of the COVID-19 pandemic in 2020 appears to have dampened the overall number of vehicle stops conducted in 2020 compared with previous years. A full summary of the data provided to the Texas Commission on Law Enforcement appears at the end of this report.

ANALYSIS AND INTERPRETATION OF DATA

Tables 2-4 provide the general demographics of contacts and searches and comparisons with the 2019 DPS baseline data of 17,995 motor vehicle stops with a result of warning, citation or arrest in 2019. A five-year average of the relative shares also is provided. 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 48.1 percent of all contacts but 41.2 percent of all searches and 45.3 percent of arrests. On the other hand, *African Americans* comprise 17.8 percent of all contacts, 21.6 percent of all searches, and 19.7 percent of custody arrests. *Asian and Native American* race/ethnicity categories saw lower or equivalent relative shares of searches and arrests compared with their percentages of all contacts. Table 2 also shows contacts with Whites declining while Hispanic contacts have risen – consistent with the previously described changes in the way Hispanic ethnicity is reported by DPS.

Table 2. General Demographics of RRPD Contacts in 2020, 2019, and the Past Five Years

Race/Ethnicity	2020 Contacts		2019 Contacts	Ave, Past 5 Years
	Number	% of Total	% of Total	% of Total
White	8,648	48.1%	50.8%	52.7%
Hispanic	5,134	28.5%	26.4%	26.1%
African American	3,206	17.8%	16.6%	16.3%
Asian	826	4.6%	5.0%	3.9%
Native American	181	1.0%	1.1%	0.9%
Total	17,995	100.0%	Total Contacts: 32,351	Total Contacts: 23,431

Table 3. General Demographics of 2020 Contacts Searched by Authority for the Search

Race/Ethnicity	All Searches		Consensual Searches		Contraband in Plain View	
	Number	Percent	Number	Percent	Number	Percent
White	395	41.2%	218	38.1%	4	23.5%
Hispanic	341	35.6%	212	37.1%	9	52.9%
African American	207	21.6%	135	23.6%	2	11.8%
Asian	10	1.0%	5	0.9%	2	11.8%
Native American	5	0.5%	2	0.3%	0	0.0%
TOTAL	958	100.0%	572	100.0%	17	100.0%

Race/Ethnicity	Probable Cause Searches		Inventory		Incident to Arrest	
	Number	Percent	Number	Percent	Number	Percent
White	106	48.8%	45	47.9%	22	37.9%
Hispanic	59	27.2%	35	37.2%	26	44.8%
African American	50	23.0%	11	11.7%	9	15.5%
Asian	1	0.5%	1	1.1%	1	1.7%
Native American	1	0.5%	2	2.1%	0	0.0%
TOTAL	217	100.0%	94	100.0%	58	100.0%

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 6 presents the data for that question. Tables 7 through 9 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 6. 2020 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	156	47.9%	8,492	48.1%	8,648	48.1%
Hispanic	87	26.7%	5,047	28.6%	5,134	28.5%
African American	74	22.7%	3,132	17.7%	3,206	17.8%
Asian	7	2.1%	819	4.6%	826	4.6%
Native American	2	0.6%	179	1.0%	181	1.0%
Total	326	1.8%	17,669	98.2%	17,995	100.0%

Table 7. General Location of 2020 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	7,531	49.7%	840	36.8%	11	73.3%	250	49.2%
Hispanic	4,059	26.8%	919	40.3%	2	13.3%	146	28.7%
African American	2,654	17.5%	454	19.9%	0	0.0%	93	18.3%
Asian	757	5.0%	53	2.3%	2	13.3%	14	2.8%
Native American	162	1.1%	14	0.6%	0	0.0%	5	1.0%
Total	15,163	100.0%	2,280	100.0%	15	100.0%	508	100.0%

Race/ Ethnicity	Private Property or Other	
	#	% of Total
White	16	55.2%
Hispanic	8	23.0%
African American	5	17.2%
Asian	0	0.0%
Native American	0	0.0%
Total	29	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 2020, the Department saw eleven Response to Resistance or Aggression incidents arising from traffic contacts. The previous year saw eight such incidents. Command Staff review of these incidents found all to be within the Department’s policy and training.

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, 48 percent of those stopped by Round Rock police in 2020 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.

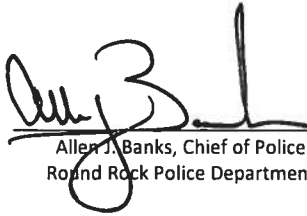
Other evidence supporting a conclusion that the Department is not experiencing a bias-based profiling problem includes few complaints since these data started being tracked in the early years of the last decade. In none of these cases since reporting began has an investigation shown officer misconduct. 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.

The Round Rock Police Department has satisfied the statutory data audit requirements as prescribed in Article 2.133(c), Code of Criminal Procedure during the reporting period.

Executed by: 
Allen J. Banks, Chief of Police
Round Rock Police Department

Date: 1/29/2021

Motor Vehicle Racial Profiling Information

Total Stops: 17,995

Street address or approximate location of the stop

City street:.....15,163
US highway:2,280
State highway:508
County road:15
Private property or other:29

Was race or ethnicity known prior to stop?

Yes:.....326
No:.....17,669

Race or ethnicity

Alaska Native/American Indian:181
Asian/Pacific Islander:.....826
Black:.....3,206
White:8,648
Hispanic/Latino:.....5,134

Gender

Female:

Total6,813
Alaska Native/American Indian38
Asian/Pacific Islander.....256
Black.....1,279
White3,553
Hispanic/Latino1,687

Alaska Native/American Indian	5
Asian/Pacific Islander.....	10
Black.....	207
White	395
Hispanic/Latino	341

No:

Total	17,037
Alaska Native/American Indian	176
Asian/Pacific Islander.....	816
Black.....	2,999
White	8,253
Hispanic/Latino	4,793

Reason for Search

Consent:

Total	572
Alaska Native/American Indian	2
Asian/Pacific Islander.....	5
Black.....	135
White	218
Hispanic/Latino	212

Contraband in plain view:

Total	17
Alaska Native/American Indian	0
Asian/Pacific Islander.....	2
Black.....	2
White	4
Hispanic/Latino	9

Probable cause:

Total	217
Alaska Native/American Indian	1
Asian/Pacific Islander.....	1
Black.....	50
White	106
Hispanic/Latino	59

Inventory:

Total	94
Alaska Native/American Indian	2
Asian/Pacific Islander.....	1
Black.....	11
White	45
Hispanic/Latino	35