

**Round Rock Police Department
2021 Bias-Based Policing Report**

February 17, 2022

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Round Rock Police Department 2021 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 policing 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 2021 as required by law. This information is compared with previous reports and with population data provided by the Census Bureau. 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 and internal investigative results of bias-based profiling allegations against police officers;
- 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.

An additional component of this report is an analysis of Round Rock's motor vehicle contacts based on the time of day of occurrence. That section of this report is based on a newly available research tool that addresses the primary weakness in bias-based profiling analysis – the lack of a valid baseline against which to evaluate police contacts.

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. 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 fourth decade) 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

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 2020, the Department received its sixth 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 regular citizen surveys. In the most recent, conducted in 2020, 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, 82 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
CCTV	Closed Circuit Television Security System
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.
Traffic Camera	Traffic Camera Surveillance System maintained by the City of Round Rock Transportation Department and Texas Department of Transportation

POLICY

This Department utilizes mobile and body-worn video and audio recording equipment, as well as CCTV and Traffic Cameras, 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.

In addition, the use of CCTV and Traffic cameras have these additional City objectives:

- Enhancing safety;
- Protecting private and City property;
- Monitoring of areas accessible to the public, including transit stops, parking lots, public streets, sidewalks and parks; and
- Providing documentation of incidents that result in claims against the City

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 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.

CCTV AND TRAFFIC CAMERAS

This policy refers, but is not limited to, CCTV and Traffic Cameras owned by the City of Round Rock and solely maintained by the City of Round Rock Transportation Department. Use and access to the camera systems shall be in accordance with the policies and procedures of the City of Round Rock Transportation Department.

Cameras may be monitored in real time but may also be unmonitored while recording. Monitoring shall be limited to uses that do not violate a reasonable expectation of privacy. All recording or monitoring of activities is considered confidential information and will be conducted and accessed in a manner consistent with City, State, and Federal Laws.

Camera control operators shall:

1. Be limited to Police Department Personnel designated by the Chief of Police,
2. Be trained in the technical, legal, and ethical parameters of appropriate camera use. Training shall cover the proper operation of the City's equipment and infrastructure,
3. Not view places where people have a reasonable expectation to privacy, including but not limited to bathrooms, dressing rooms or locker rooms,
4. Not monitor individuals based on characteristics of race, color, religion, national origin, sex, sexual orientation, disability or age rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity,
5. Not alter or delete video recordings.

Cameras will be located in public spaces and visible. Camera positions and views of residential housing shall be limited. The view of a residential housing unit must not violate the standard of a reasonable expectation of privacy.

Security

The City will maintain security measures to prevent accessing or tampering with physical monitoring equipment and recorded digital surveillance material by unauthorized users.

Appropriate Use and Confidentiality

City personnel are prohibited from using or disseminating information acquired from CCTV or Traffic Cameras except for official purposes. All information and observations made in the use of CCTV or Traffic Cameras are considered confidential and can only be used for official City and

law enforcement purposes.

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.

CCTV recordings and Traffic Camera recordings shall be maintained for a period of 30 days and then erased or overwritten. If the recording is part of a criminal investigation, incident documentation for potential claims against the City or other approved usage, the recording will be retained as long as it is administratively valuable or until the matter has been resolved.

PUBLIC RECORDS RELEASE

Video recordings from MVR, BWC, CCTV, and Traffic Cameras 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. 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 began to return 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.*

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 TCOLE 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:

<https://www.roundrocktexas.gov/city-departments/police/divisions/office-of-the-chief/internal-affairs/>

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.

About Internal Affairs

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

 [2020 Formal Internal Affairs Complaint Report](#)


Contact Internal Affairs

To contact the Office of Internal Affairs, you may submit an email or call (512) 341-3100.

 [EMAIL US](#)

Commend an Officer

Email to commend a Round Rock Police Officer.

 [COMMEND AN OFFICER](#)

File an Officer Complaint

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.

 [FILE A COMPLAINT \(WORD DOC\)](#)

 [FILE A COMPLAINT \(PDF\)](#)

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. Cadets enrolled in the Department's Basic Peace Officer Course (police academy) also receive such training.

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. In years past, this report provided analysis based on the Texas Department of Public Safety (DPS) driver license data. However, for the second year, DPS is unable to provide data on Hispanic drivers licensed in Round Rock. DPS ascribes the lack of data due to reporting changes promulgated by the American Association of Motor Vehicle Administrators.

This report uses as its baseline the overall racial composition of Round Rock from the most-recently available U.S. Census Bureau data. As such, these data are from the Census Bureau's 2019 American Community Survey for the City of Round Rock. Race/ethnicity data from the 2020 Census were unavailable in time to be included in this report. 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. In addition, only data for White, Hispanic, African American, Asian, and Native Americans are reportable to TCOLE. Thus, the "Other" category is pulled from the available Census data, and the percentages of each remaining category are recalculated for use in this analysis. A comparison of previous Census and DPS results, as well as current-year baseline data are provided in Table 1.

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 also 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, 45.5 percent were made with nonresidents and 50.6 percent were City residents (the balance is not specified). This result underscores how important nonresidents are in considering baselines.

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 19.6 percent from 2010 to 2020 after 63 percent growth in the previous decade. While the total 2020 Census population is known, detailed information about the demographics of Round Rock's population were not available in early 2022. Table 1 includes a demographic breakdown based on the Census Bureau's most-recently available data – the 2019 American Community Survey.

In addition, like last year, the COVID-19 pandemic 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.

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

Category	2010 Census*	2019 Census*	2019 DPS Baseline [^]	2022 Baseline ^a
White	70.8%	75.2%	65.2%	51.9%
Hispanic	29.0%	29.4%	12.2%	30.2%
African American	9.8%	10.5%	10.4%	10.8%
Asian	5.2%	6.8%	9.3%	7.0%
Native American	0.7%	0.2%	0.3%	0.2%
Other	13.5%	4.6%	2.5%	--
Total Population	99,887	119,468	178,731	116,481

*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.

[^]DPS in 2020 was in the midst of a change in data systems and was unable to provide baseline data for that year.

^a From the Census data, 2,987 residents reporting a race/ethnicity of “other” are removed to calculate the baseline, due to TCOLE’s reporting requirements. As such, all categories except *White* grow in relative share. *White* falls from the 2019 Census reported level because Hispanic drivers who also report their race as another category are removed from those other categories.

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

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's Professional Standards Section. In 2021, the Department received no complaints regarding bias-based profiling allegations. In 2020, the Department received two complaints of bias-based policing; upon investigation, both were determined to be unfounded.

ANALYSIS AND INTERPRETATION OF DATA

Tables 2-4 provide the general demographics of 2021's 17,438 vehicle contacts and searches, plus comparisons with vehicle stop outcomes with a result of warning, citation or arrest. A five-year average of the relative shares of contacts by race category 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 3 shows some variation by race in the relative share of contacts, searches, and arrests. *Whites* comprise 46.9 percent of all contacts but 46.5 percent of all searches and 49.5 percent of arrests. On the other hand, *African Americans* comprise 18.6 percent of all contacts, 19.1 percent of all searches, and 18.5 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. General Demographics of RRPD Contacts in 2021, 2020, and the Past Five Years

Race/Ethnicity	2021 Contacts		2020 Contacts	Ave, Past 5 Years
	Number	% of Total	% of Total	% of Total
White	8,175	46.9%	48.1%	56.0%
Hispanic	4,882	28.0%	28.5%	29.6%
African American	3,246	18.6%	17.8%	18.9%
Asian	941	5.4%	4.6%	5.2%
Native American	194	1.1%	1.0%	1.2%
Total	17,438	100.0%	Contacts: 17,995	Contacts: 20,381

Table 3. General Demographics of 2021 Contacts Searched by Authority for the Search

Race/Ethnicity	All Searches		Consensual Searches		Contraband in Plain View	
	Number	Percent	Number	Percent	Number	Percent
White	363	46.5%	153	41.0%	11	47.8%
Hispanic	254	32.5%	140	37.5%	4	17.4%
African American	149	19.1%	73	19.6%	8	34.8%
Asian	14	1.8%	7	1.9%	0	0.0%
Native American	1	0.1%	0	0.0%	0	0.0%
TOTAL	781	100.0%	373	100.0%	23	100.0%

Race/Ethnicity	Probable Cause Searches		Inventory		Incident to Arrest	
	Number	Percent	Number	Percent	Number	Percent
White	115	50.7%	44	51.8%	40	54.8%
Hispanic	64	28.2%	27	31.8%	19	26.0%
African American	43	18.9%	12	14.1%	13	17.8%
Asian	5	2.2%	2	2.4%	0	0.0%
Native American	0	0.0%	0	0.0%	1	1.4%
TOTAL	227	100.0%	85	100.0%	73	100.0%

Table 4. General Demographics of 2021 Arrests from Motor Vehicle Contacts

Race/Ethnicity	Arrest	Written Warning & Arrest	Citation & Arrest	Total Arrests	
				Number	% of Total
White	239	0	7	246	49.5%
Hispanic	136	2	12	150	30.2%
African American	75	3	14	92	18.5%
Asian	7	0	0	7	1.4%
Native American	2	0	0	2	0.4%
TOTAL	459	5	33	497	100.0%

Table 5 compares the aggregate data for contacts presented above with the 2022 baseline data presented earlier. 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 3,246 (18.6 percent) of the Department’s 17,438 contacts in 2021. Had the Department’s contacts data exactly matched the 2022 population baseline, 10.8 percent (or 1,878) of the Department’s contacts in 2021 would have been of *African Americans*. Thus, the numerical variance is 1,368 stops (3,246 – 1,878 = 1,368), 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 18.6 percent (RRPD data) less 10.8 percent (DPS data), for a percent variance of +7.8 percentage points.

Table 6 compares the racial composition of 2021 police contacts when officers knew the race or ethnicity of the person before they made a stop.

Table 5. Comparison of Resident Contacts and DPS Baseline Data

Race/Ethnicity	Contacts		2022 Baseline Data		Variance from Baseline	
	Number	Percent	Number	Percent	Number	Percent
White	8,175	46.9%	60,451	51.9%	-875	-5.0%
Hispanic	4,882	28.0%	35,124	30.2%	-376	-2.2%
African American	3,246	18.6%	12,544	10.8%	1,368	7.8%
Asian	941	5.4%	8,124	7.0%	-275	-1.6%
Native American	194	1.1%	239	0.2%	158	0.9%
Total	17,438	100.0%	116,481	100.0%	0	0.0%

Table 6. 2021 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	117	48.8%	8,058	46.9%	8,175	46.9%
Hispanic	68	28.3%	4,814	28.0%	4,882	28.0%
African American	47	19.6%	3,199	18.6%	3,246	18.6%
Asian	6	2.5%	935	5.4%	941	5.4%
Native American	2	0.8%	192	1.1%	194	1.1%
Total	240	1.4%	17,198	98.6%	17,438	100.0%

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 7. General Location of 2021 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	7,350	48.1%	553	35.5%	11	44.0%	255	45.9%
Hispanic	4,061	26.6%	652	41.9%	6	24.0%	157	28.2%
African American	2,836	18.6%	287	18.4%	5	20.0%	116	20.9%
Asian	864	5.7%	56	3.6%	2	8.0%	19	3.4%
Native American	176	1.2%	8	0.5%	1	4.0%	9	1.6%
Total	15,287	100.0%	1,556	100.0%	25	100.0%	556	100.0%

Race/ Ethnicity	Private Property or Other	
	#	% of Total
White	6	42.9%
Hispanic	6	23.0%
African American	2	14.3%
Asian	0	0.0%
Native American	0	0.0%
Total	14	100.0%

Table 8. 2020 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	5,409	48.9%	94	39.7%	2,426	42.9%	239	52.1%
Hispanic	2,763	25.0%	86	36.3%	1,883	33.3%	136	29.6%
African American	2,122	19.2%	45	19.0%	987	17.5%	75	16.3%
Asian	627	5.7%	12	5.1%	295	5.2%	7	1.5%
Native American	134	1.2%	0	0.0%	58	1.0%	2	0.4%
Total	11,055	100.0%	237	100.0%	5,649	100.0%	459	100.0%

Race/ Ethnicity	Written Warning & Arrest		Citation & Arrest	
	#	% of Total	#	% of Total
White	0	0.0%	7	21.2%
Hispanic	2	40.0%	12	36.4%
African American	3	60.0%	14	42.4%
Asian	0	0.0%	0	0.0%
Native American	0	0.0%	0	0.0%
Total	5	100.0%	33	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* (RTROA) incidents. In 2021, traffic contacts were the source of two RTROA incidents reviewed by Command Staff. The Department saw eleven RTROA incidents arising from traffic contacts the

previous year. Command Staff review of these 2020-21 incidents found them all to be within the Department’s policy and training.

Table 9. Contraband Found in 2020 Contacts by Race/Ethnicity

Race/ Ethnicity	Drugs	Currency	Weapons	Alcohol	Stolen Property	Other	Total
White	90	1	10	16	1	50	168
Hispanic	54	3	3	13	1	49	123
African American	47	1	3	4	1	27	83
Asian	4	0	0	0	0	2	6
Native American	0	0	0	0	0	0	0
Total	195	5	16	33	3	128	380

EVALUATING STOPS BASED ON TIME OF DAY

Over the years, this annual report has regularly asserted that the lack of a valid comparison baseline is a significant weakness in reviewing traffic stops for evidence of bias-based policing. However, in December 2021, the Center for Policing Research and Investigative Science made available an online Statistical Traffic Analysis Report (STAR) tool from RTI International (2021). For this report, that tool was used to evaluate its 2021 motor vehicle stop data.

SUMMARY: This analysis compares 2021's traffic stops conducted during daylight vs. nighttime hours to determine whether a disproportionate number of motorist stops occurred by race or ethnicity category. No statistically significant differences were noted in the analysis for the traffic stops in our Records Management System (RMS). The risk and risk ratio results for these categories also indicate limited disproportionality within the stops. Thus, this analysis provides no evidence of disparities by race/ethnicity in the way our agency's traffic stops are conducted. The number of Native Americans stopped in 2021 was too small to allow meaningful analysis.

The methodological basis for this evaluation is found in Grogger and Ridgeway's (2006) development of an approach to racial profiling tests that compares the race/ethnicity of drivers in traffic stops conducted in dark versus daytime hours. Grogger and Ridgeway assert their approach addresses a key weakness of racial profiling data analysis – the lack of a valid benchmark data set against which traffic stop data can be compared. In a nutshell, their approach assumes that officers are much less likely to be able to see drivers before they stop during nighttime hours. Therefore, splitting an overall data set into two groups based on visibility allows for better statistical testing to occur. This approach also allows analysts to evaluate the risk of being stopped based on race or ethnicity within that overall data set.

The 17,438 motor vehicle stops that met the criteria for submission in the annual, state-mandated bias-based policing report were run through the STAR tool. The STAR tool requires data fields for *date*, *time*, and *race/ethnicity*. An *officer ID* field also was included to allow the tool to account for "within-officer" correlations that may result from officers being assigned to specific geographic areas or units. STAR sets aside stops conducted during dawn and dusk hours, and the results were set to also ignore stops conducted within 30 days of daylight savings time changes. From the larger data set, STAR used 683 records for the analysis. Table 1 presents the results of the STAR runs for each race/ethnic category.

Table 1 presents the analytical outcomes as two sets of results. The first set evaluates whether a statistically significant "relationship" exists between the proportion of drivers of a specific race/ethnic category stopped during daylight hours versus nighttime hours. If the differences between the proportion of drivers stopped are not meaningful, the tool finds them to be not statistically significant, and it provides the proportional chance that any changes noticed are due to random chance. For a statistically significant relationship to occur, the probability of occurrence by chance would have to be 0.05 or lower. If a category *were* to show a statistically significant relationship between daylight and nighttime traffic stops, it would suggest that more investigation is required.

Table 1. Results of STAR Statistical Tests of Association and Risk

Race/ Ethnicity	Statistical Relationship		Risk			
	Significant?	Probability	Light	Dark	Relative Risk Ratio	Absolute Risk Difference
White	No	0.19	46.35%	46.71%	0.99	0.36%
African American	No	0.22	17.12%	19.39%	0.88	2.27%
Hispanic	No	0.34	27.28%	24.01%	1.14	3.27%
Asian	No	0.35	3.12%	4.66%	0.67	1.54%
Native American	The number of Native American Drivers were too small to calculate these results					

Sources: RRPD RMS, RTI international (2021)

The second set of results for each category have to do with the risk of being stopped during light and dark conditions, along with the associated relative risk ratio and absolute risk difference. Together, these numbers are a different way of evaluating whether drivers in a race/ethnic category are being stopped at disproportionate levels based on light conditions. The relative risk ratio is simply the ratio of the light and dark risk results. If the drivers in a category are stopped at higher rates during the day (when officers can see them) versus night, then the relative risk ratio would be much larger than 1.00. The absolute risk different is simply the percentage-point difference between the light and dark risk categories.

A simple analogy for relative and absolute risk is to compare the relative change in something with the actual number change. An increase from 1 homicide to 2 homicides over the course of two years is a 100 percent increase – but the actual numerical change is but 1 homicide. As a *hypothetical* example, imagine that African American drivers in a city have a 30 percent risk of being stopped during the day and a 10 percent risk at night. That relative risk would be 3.00 ($0.30 / 0.10 = 3.00$) – i.e., African Americans would have a 3.00 times greater risk of being stopped during the day than they would at night. The absolute risk difference in this example would be 30 percent – 10 percent = 20.00 percentage points.

For each race and ethnicity category in Table 1, any differences that may be observed between the share of drivers stopped during the daylight versus nighttime periods are not statistically significant, as shown in Table 1. That table also provides the probability associated with the correlation test, but a tested association that doesn't meet the 0.050 probability threshold but is close to 0.050 cannot be considered to be "almost" significant. The results are either significant or they aren't.

Interpreting the risk results is somewhat more complicated, but they generally show little difference in the risk of a person in a particular race/ethnicity category being stopped between daytime and nighttime hours. The way to interpret relative risk hovers around the notion that a relative risk of 1.00 indicates no difference in the risk of being stopped during either time. With the exception of Asians, the relative risk ratios for the categories under study all hover near 1.00. The ratio for Asians is 0.62, which suggests Asians may actually be less likely to be stopped during the daylight vs. nighttime hours.

However, Noordzij et al (2017) stress that making judgments of risk solely on the basis of relative risk tends to overestimate the risk in a study like this. The absolute risk difference puts the relative risk into perspective. In each of the cases presented in Table 1, the

absolute risk difference was but a couple of percentage points. Thus, we can safely conclude there is no demonstrable disparity between traffic stops by race/ethnicity category when light conditions are the sole variable that changes.

To Wrap Up

The Department has long asserted that – given the analytical limitations – reviewing complaints of racial profiling, the results of citizen surveys, and our following internationally determined best policing practices is better evidence than data analysis for evaluating whether Round Rock police officers engage in racial profiling behavior. This newly available tool, however, provides statistical testing for what the authors describe as a *reliable* data set – looking for differences within our own data on traffic stops instead of trying to identify a baseline data set that accurately represents the population of people who drive on Round Rock’s streets.

RTI (2021) asserts that results from their newly released tool should be considered preliminary because it does not provide a customized analysis for our data set. However, it is the first easily available tool and approach that also checks for within-officer disparity patterns.

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FINDINGS AND RECOMMENDATIONS

Reviewing statistical records to assess whether our Department is experiencing a problem with bias-based policing is laced with pitfalls. Comparisons with the DPS driver license or population 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 policing 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. This year, the recently available STAR tool begins to address the above-stated concern about a reliable and valid baseline against which these results can be compared. The STAR results provide additional evidence that our Department is not engaging in bias-based policing practices.

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.
- Adhering to best-practices by maintaining police accreditation.
- Disseminating information to all officers regarding guidelines of behavior acceptable under the Texas Racial Profiling Law.
- Providing training updates to officers regarding changes in case law associated with arrests, searches, and seizures.
- Working to increase the number of personnel capable of conversing in other languages, including sign language.
- Maintaining working relationships throughout the community.
- Conducting annual administrative reviews of agency practices and policies, to include citizen concerns.

- Taking steps to increase the Department's transparency to the public – including the continued use of body-worn cameras.

DATA AS SUBMITTED TO TCOLE:

Racial Profiling Report

Agency Name: Round Rock Police Department
Reporting Date: March 1, 2022
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


This agency filed a full report

The Round Rock Police Department has adopted a detailed written policy on racial profiling. Our policy: clearly defines acts constituting racial profiling;

- (1) strictly prohibits peace officers employed by the agency from engaging in racial profiling;
- (2) strictly prohibits peace officers employed by the Round Rock Police Department from engaging in racial profiling;
- (3) implements a process by which an individual may file a complaint with the Round Rock Police Department if the individual believes that a peace officer employed by the Round Rock Police Department has engaged in racial profiling with respect to the individual;
- (4) provides public education relating to the agency's compliment and complaint process;
- (5) requires appropriate corrective action to be taken against a peace officer employed by the Round Rock Police Department who, after an investigation, is shown to have engaged in racial profiling in violation of the Round Rock Police Department's policy adopted under this article;
- (6) requires collection of information relating to motor vehicle stops in which a citation is issued and to arrests made as a result of those stops, including information relating to:
 - (A) the race or ethnicity of the individual detained;
 - (B) whether a search was conducted and, if so, whether the individual detained consented to the search;
 - (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 during the stop;
 - (E) the location of the stop; and
 - (F) the reason for the stop.
- (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.

Round Rock Police Department

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

Date: February 17, 2022

MOTOR VEHICLE RACIAL PROFILING INFORMATION SUBMITTED TO TCOLE

1. STOPS

1. TOTAL STOPS:.....17,438

2. STREET ADDRESS OR APPROXIMATE LOCATION OF THE STOP

1. CITY STREET:.....15,287

2. US HIGHWAY:1,556

3. STATE HIGHWAY:..... 556

4. COUNTY ROAD: 25

5. PRIVATE PROPERTY OR OTHER:..... 14

3. WAS RACE OR ETHNICITY KNOWN PRIOR TO STOP?

1. YES: 240

2. NO:.....17,198

4. RACE OR ETHNICITY

1. ALASKA NATIVE/AMERICAN INDIAN: 194

2. ASIAN/PACIFIC ISLANDER: 941

3. BLACK:3,246

4. WHITE:8,175

5. HISPANIC/LATINO:4,882

5. GENDER

1. FEMALE:6,668

1. ALASKA NATIVE/AMERICAN INDIAN: 44

2. ASIAN/PACIFIC ISLANDER:..... 335

3. BLACK: 1,182

4. WHITE: 3,431

5. HISPANIC/LATINO: 1,676

2. MALE:10,770

1. ALASKA NATIVE/AMERICAN INDIAN: 150

2. ASIAN/PACIFIC ISLANDER:..... 606

3. BLACK: 2,064

4. WHITE: 4,744

5. HISPANIC/LATINO: 3,206

6. REASON FOR STOP

1. VIOLATION OF LAW:..... 621

1. ALASKA NATIVE/AMERICAN INDIAN: 0

2. ASIAN/PACIFIC ISLANDER:..... 34

3. BLACK: 97

4. WHITE: 245

5. HISPANIC/LATINO: 245

2. PREEXISTING KNOWLEDGE: 173

1. ALASKA NATIVE/AMERICAN INDIAN: 0

2. ASIAN/PACIFIC ISLANDER:..... 5

3. BLACK: 33

4. WHITE: 82

5. HISPANIC/LATINO: 53

3. MOVING TRAFFIC VIOLATION:11,863

1. ALASKA NATIVE/AMERICAN INDIAN: 149

2. ASIAN/PACIFIC ISLANDER:..... 694

3.	BLACK:	2,185
4.	WHITE:	5,592
5.	HISPANIC/LATINO:	3,243
4.	VEHICLE TRAFFIC VIOLATION:	4,781
1.	ALASKA NATIVE/AMERICAN INDIAN:	45
2.	ASIAN/PACIFIC ISLANDER:	208
3.	BLACK:	931
4.	WHITE:	2,256
5.	HISPANIC/LATINO:	1,341

7. WAS A SEARCH CONDUCTED?

1.	YES:	781
1.	ALASKA NATIVE/AMERICAN INDIAN:	1
2.	ASIAN/PACIFIC ISLANDER:	14
3.	BLACK:	149
4.	WHITE:	363
5.	HISPANIC/LATINO:	254
2.	NO:	16,657
1.	ALASKA NATIVE/AMERICAN INDIAN:	193
2.	ASIAN/PACIFIC ISLANDER:	927
3.	BLACK:	3,097
4.	WHITE:	7,812
5.	HISPANIC/LATINO:	4,628

8. REASON FOR SEARCH?

1.	CONSENT:	373
1.	ALASKA NATIVE/AMERICAN INDIAN:	0
2.	ASIAN/PACIFIC ISLANDER:	7
3.	BLACK:	73
4.	WHITE:	153
5.	HISPANIC/LATINO:	140
2.	CONTRABAND:	23
1.	ALASKA NATIVE/AMERICAN INDIAN:	0
2.	ASIAN/PACIFIC ISLANDER:	0
3.	BLACK:	8
4.	WHITE:	11
5.	HISPANIC/LATINO:	4
3.	PROBABLE CAUSE:	227
1.	ALASKA NATIVE/AMERICAN INDIAN:	0
2.	ASIAN/PACIFIC ISLANDER:	5
3.	BLACK:	43
4.	WHITE:	115
5.	HISPANIC/LATINO:	64
4.	INVENTORY:	85
1.	ALASKA NATIVE/AMERICAN INDIAN:	0
2.	ASIAN/PACIFIC ISLANDER:	2
3.	BLACK:	12
4.	WHITE:	44
5.	HISPANIC/LATINO:	27
5.	INCIDENT TO ARREST:	73
1.	ALASKA NATIVE/AMERICAN INDIAN:	1
2.	ASIAN/PACIFIC ISLANDER:	0
3.	BLACK:	13
4.	WHITE:	40
5.	HISPANIC/LATINO:	19

9. WAS CONTRABAND DISCOVERED?

1. YES:	380
1. ALASKA NATIVE/AMERICAN INDIAN:	0
1. Finding Resulted In Arrest - Yes:	0
2. Finding Resulted In Arrest - No:	0
2. ASIAN/PACIFIC ISLANDER:	6
1. Finding Resulted In Arrest - Yes:	3
2. Finding Resulted In Arrest - No:	3
3. BLACK:	83
1. Finding Resulted In Arrest - Yes:	44
2. Finding Resulted In Arrest - No:	39
4. WHITE:	168
1. Finding Resulted In Arrest - Yes:	105
2. Finding Resulted In Arrest - No:	63
5. HISPANIC/LATINO:	123
1. Finding Resulted In Arrest - Yes:	67
2. Finding Resulted In Arrest - No:	56
2. No:	401
1. ALASKA NATIVE/AMERICAN INDIAN:	1
2. ASIAN/PACIFIC ISLANDER:	8
3. BLACK:	66
4. WHITE:	195
5. HISPANIC/LATINO:	205

10. DESCRIPTION OF CONTRABAND

1. DRUGS:	195
1. ALASKA NATIVE/AMERICAN INDIAN:	0
2. ASIAN/PACIFIC ISLANDER:	4
3. BLACK:	47
4. WHITE:	90
5. HISPANIC/LATINO:	54
2. CURRENCY:	5
1. ALASKA NATIVE/AMERICAN INDIAN:	0
2. ASIAN/PACIFIC ISLANDER:	0
3. BLACK:	1
4. WHITE:	1
5. HISPANIC/LATINO:	3
3. WEAPONS:	16
1. ALASKA NATIVE/AMERICAN INDIAN:	0
2. ASIAN/PACIFIC ISLANDER:	0
3. BLACK:	3
4. WHITE:	10
5. HISPANIC/LATINO:	3
4. ALCOHOL:	33
1. ALASKA NATIVE/AMERICAN INDIAN:	0
2. ASIAN/PACIFIC ISLANDER:	0
3. BLACK:	4
4. WHITE:	16
5. HISPANIC/LATINO:	13
5. STOLEN PROPERTY:	3
1. ALASKA NATIVE/AMERICAN INDIAN:	0
2. ASIAN/PACIFIC ISLANDER:	0

3.	BLACK:	1
4.	WHITE:	1
5.	HISPANIC/LATINO:	1
6.	OTHER:	128
1.	ALASKA NATIVE/AMERICAN INDIAN:	0
2.	ASIAN/PACIFIC ISLANDER:	2
3.	BLACK:	27
4.	WHITE:	50
5.	HISPANIC/LATINO:	49

11. RESULT OF STOP

1.	VERBAL WARNING:	11,055
1.	ALASKA NATIVE/AMERICAN INDIAN:	134
2.	ASIAN/PACIFIC ISLANDER:	627
3.	BLACK:	2,122
4.	WHITE:	5,409
5.	HISPANIC/LATINO:	2,763
2.	WRITTEN WARNING:	237
1.	ALASKA NATIVE/AMERICAN INDIAN:	0
2.	ASIAN/PACIFIC ISLANDER:	12
3.	BLACK:	45
4.	WHITE:	94
5.	HISPANIC/LATINO:	86
3.	CITATION:	5,649
1.	ALASKA NATIVE/AMERICAN INDIAN:	58
2.	ASIAN/PACIFIC ISLANDER:	295
3.	BLACK:	987
4.	WHITE:	2,426
5.	HISPANIC/LATINO:	1,883
4.	WRITTEN WARNING AND ARREST:	5
1.	ALASKA NATIVE/AMERICAN INDIAN:	0
2.	ASIAN/PACIFIC ISLANDER:	0
3.	BLACK:	3
4.	WHITE:	0
5.	HISPANIC/LATINO:	2
5.	CITATION AND ARREST:	33
1.	ALASKA NATIVE/AMERICAN INDIAN:	0
2.	ASIAN/PACIFIC ISLANDER:	0
3.	BLACK:	14
4.	WHITE:	7
5.	HISPANIC/LATINO:	12
6.	ARREST:	459
1.	ALASKA NATIVE/AMERICAN INDIAN:	2
2.	ASIAN/PACIFIC ISLANDER:	7
3.	BLACK:	75
4.	WHITE:	239
5.	HISPANIC/LATINO:	136

12. ARREST BASED ON

1.	VIOLATION OF PENAL CODE:	401
1.	ALASKA NATIVE/AMERICAN INDIAN:	2
2.	ASIAN/PACIFIC ISLANDER:	6
3.	BLACK:	59
4.	WHITE:	213
5.	HISPANIC/LATINO:	121

2. VIOLATION OF TRAFFIC LAW:.....	27
1. ALASKA NATIVE/AMERICAN INDIAN:	0
2. ASIAN/PACIFIC ISLANDER:.....	0
3. BLACK:	10
4. WHITE:	9
5. HISPANIC/LATINO:	8
3. VIOLATION OF CITY ORDINANCE:	1
1. ALASKA NATIVE/AMERICAN INDIAN:	0
2. ASIAN/PACIFIC ISLANDER:.....	0
3. BLACK:	0
4. WHITE:	1
5. HISPANIC/LATINO:	0
4. OUTSTANDING WARRANT:.....	68
1. ALASKA NATIVE/AMERICAN INDIAN:	0
2. ASIAN/PACIFIC ISLANDER:.....	1
3. BLACK:	23
4. WHITE:	23
5. HISPANIC/LATINO:	21

13. WAS PHYSICAL FORCE RESULTING IN BODILY INJURY USED DURING STOP?

1. YES:.....	3
1. ALASKA NATIVE/AMERICAN INDIAN:	0
2. ASIAN/PACIFIC ISLANDER:.....	0
3. BLACK:	0
4. WHITE:	2
5. HISPANIC/LATINO:	1
6. RESULTING IN INJURY TO SUSPECT:.....	3
7. RESULTING IN INJURY TO OFFICER:.....	0
8. RESULTING IN INJURY TO BOTH:	0
2. No:.....	17,435
1. ALASKA NATIVE/AMERICAN INDIAN:	194
2. ASIAN/PACIFIC ISLANDER:.....	941
3. BLACK:	3,246
4. WHITE:	8,173
5. HISPANIC/LATINO:	4,881

14. NUMBER OF COMPLAINTS OF RACIAL PROFILING

1. TOTAL:.....	0
1. RESULTED IN DISCIPLINE:.....	0
2. DID NOT RESULT IN DISCIPLINE:	0