2019

Biased-Based Policing Report

Temple Police Department

Signature Approval Page

This **Biased-Based Policing Report** was prepared by the **Professional Standards Unit**. This report was reviewed by the Professional Standards Unit Supervisor and the Administration Bureau Deputy Chief and is recommended for approval.

Prepared by: Melinda Mersch, Crime Analyst   Date: 2/27/20

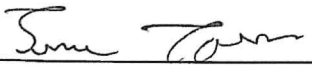Signature: _____

Unit: Professional Standards Unit

Accepted by: Allen Teston, Deputy Chief   Date: 2/27/20

Signature: _____

Bureau: Administration Bureau Commander

Approved by: Jim Tobin, Interim Chief

Signature: _____   Date: 2/27/2020

Interim Chief of Police

The Temple Police Department, in accordance with the Texas Code of Criminal Procedure (CCP) Articles 2.131 through 2.138 has collected police contact data from motor vehicle stops for the purpose of analysis. As part of the review of this data, the department is required to determine if racial profiling exists and to respond appropriately if such a determination is made. I believe the findings in this report serve as evidence that the Temple Police Department continues to strive toward the goals of maintaining strong relations with the community and providing open channels of communication between citizens and the Department.

In 2017, the Texas Legislators passed H.B. 3051 which removed the Middle Eastern data requirement, and standardized the racial and ethnic categories relevant to the individuals that came in contact with the police. In addition, the Sandra Bland Act (S.B. 1849) was passed and became law. Thus, the most significant legislative act in Texas history regarding data requirements on law enforcement contacts, became law and took effect on January 1, 2018.

This report provides statistical data relevant to public contacts made by police officers while conducting motor vehicle stops during calendar year 2019. Two different data sets have been employed to evaluate the agency's operations. The United States Census Bureau's 2010 Census for Bell County and the City of Temple are used separately to compare the Department's enforcement activities related to motor vehicle stops with racial and ethnic distributions in the county and the city.

The reasons for using Bell County data are rather straight forward. Bell County census data is appropriate because over half of the citations (56%) written in 2019 were issued to persons that do not reside in the City of Temple. Temple has long been recognized as a hub of activity in Bell County that draws many people for employment, shopping, and entertainment. Further, a significant number of people travel to Temple to utilize the superior medical facilities that are located here. Finally, Temple has several major highways which run through and around the city. These factors show the traffic situation confronting the Temple Police Department is influenced by regional as well as local factors.

Overall, this document provides a certain degree of analysis, identifies recommendations for continuing the department's operations not only within the law, but to a level of excellence, and offers my conclusions as to the state of operations by police personnel in Temple. In the final section of the report, the reader will find information on the diversity found within the sworn ranks of the Temple Police Department.

Distribution of Race:

The data in this report includes racial and ethnic data for arrests, citations, written warnings, and verbal warnings from motor vehicle stops. The five races listed in CCP 2.132(a)(3), 2.132(b)(6)(A), 2.133(b)(1)(B) are Black, Asian/Pacific Islander, White, Hispanic/Latino, and Alaska Native/American Indian.

Census data, though arguably the best measure available, is not without some areas of confusion. In the 2010 U.S. Census, there are categories such as "Other" and "two or more races", that are included in the report. The Department uses this information to the greatest degree possible when completing this report. However, Police Officers are required to identify an individual within a single racial category. Individuals that can be identified in more than one racial group present obstacles for precise data tracking. Please keep this in mind as you view this report.

Breakdown of traffic stops leading to arrests, citations, written warnings, or verbal warnings
By gender:

Table 1: GENDER
CCP 2.133(b)(1)(a)

1.1 Female: 8,590
1.2 Male: 11,959
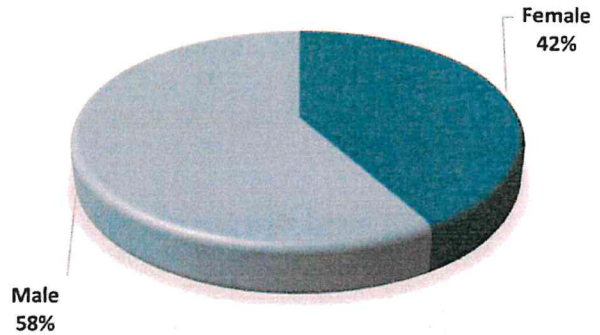
Female 42%

Male 58%

Breakdown of traffic stops leading to arrests, citations, written warnings, or verbal warnings
By race and/or ethnicity:

Table 2: Race or Ethnicity
CCP 2.132(a)(3), 2.132(b)(6)(A),
2.133(b)(1)(B)

2.1 Black: 4,467
2.2 Asian/Pacific Islander: 420
2.3 White: 11,165
2.4 Hispanic/Latino: 4,458
2.5 Alaska Native/American Indian: 39

Hispanic/Latino 22%

Alaskan Native/American Indian less than 1%

Black 22%

Asian/Pacific Islander 2%

White 54%
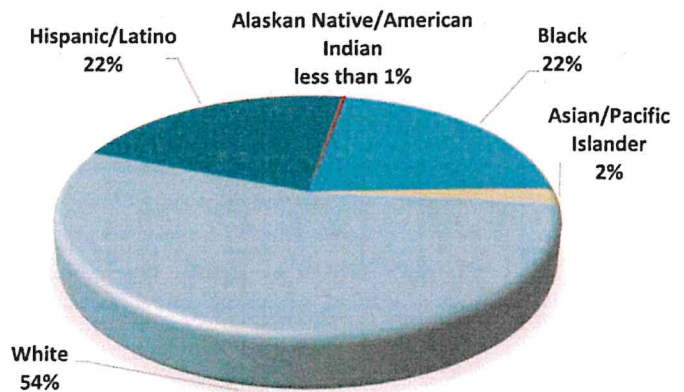
Motor Vehicle Stops Resulting in a CITATION:
Citations resulting from Motor Vehicle Stops: 14,097
Average number of citations written per day: 39 citations
Non-Residents: 7,828
Temple Residents: 6,269
NOTE: Over half (56%) of the citations were issued to NON-Temple Residents.

Analysis of Temple Census

(Chart 1 with CITATION)

RACE/ETHNICITY	# of Citations	% of Total	2010 CITY OF TEMPLE CENSUS	Comparison
BLACK	2,885	20.5%	17.4%	+ 3.1%
ASIAN/PACIFIC ISLANDER	321	2.3%	2.5%	- .2%
WHITE (Non-Hispanic)	7,788	55.2%	55.5%	- .3%
HISPANIC/LATINO	3,069	21.8%	23.7%	- 1.9%
ALASKAN NATIVE/ AMERICAN INDIAN	34	.2%	0.7%	- .5%
TOTAL	14,097		*Source: 2010 U.S. Census Bureau Census does NOT equal 100%	

Analysis of Bell County Census

(Chart 2 with CITATION)

RACE/ETHNICITY	# of Citations	% of Total	2010 BELL COUNTY CENSUS	Comparison
BLACK	2,885	20.5%	21.8%	- 1.3%
ASIAN/PACIFIC ISLANDER	321	2.3%	4.1%	- 1.8%
WHITE (Non-Hispanic)	7,788	55.2%	50.7%	+ 4.5%
HISPANIC/LATINO	3,069	21.8%	21.6%	+ .2%
ALASKAN NATIVE/ AMERICAN INDIAN	34	.2%	1.0%	- .8%
TOTAL	14,097		*Source: 2010 U.S. Census Bureau Census does NOT equal 100%	

**Hispanic is considered a race according to the Texas Racial Profiling Act. However, the U.S. Census does not use the same distinction. The U. S. Census recognizes Hispanic as an ethnicity that can be related to any race.

NOTE: The TPD Records Management System captures race **and** ethnicity. Race can be listed as white, black, Asian/Pacific Islander and Indian/Alaskan Native. Also, the records management system captures ethnicity. Ethnicity can be (N) for Non-Hispanic or (H) for Hispanic. Thus, a person can be listed as white (W) in the race block **and** (H) in the ethnicity block. The total above for Hispanics can include white, black, Asian/Pacific Islander or Indian/Alaskan Native. Any person (regardless of race), listed as Hispanic, is automatically added to the Hispanic total.

As one might expect, there are slight deviations between the census population estimates and the citations issued for each race/ethnicity/descent. The column labeled Comparison in the charts above shows the difference between police activity and population distribution. Example: In chart two above, the black population was given 20.5% of the citations. The 2010 black population for Bell County is 21.8%. With the comparison (-1.3%) listed, the black population was given less citations than the population using the Bell County Census.

Motor Vehicle Stops Resulting in a WRITTEN warning:

Written warnings were added to the 2018 requirement in the racial profiling reporting process. See charts one and two to view the written warning data, percentages, and comparisons. Again, we listed city of Temple and Bell County censuses for comparison purposes.

Analysis of Temple Census

(Chart 1 with WRITTEN warning)

RACE/ETHNICITY	# of Warnings	% of Total	2010 CITY OF TEMPLE CENSUS	Comparison
BLACK	684	21.1%	17.4%	+ 3.7%
ASIAN/PACIFIC ISLANDER	50	1.5%	2.5%	- 1.0%
WHITE (Non-Hispanic)	1,861	57.4%	55.5%	+ 1.9%
HISPANIC/LATINO	645	19.9%	23.7%	- 3.8%
ALASKAN NATIVE/ AMERICAN INDIAN	2	.1%	0.7%	- .6%
TOTAL	3,242		*Source: 2010 U.S. Census Bureau Census does NOT equal 100%	

Analysis of Bell County Census

(Chart 2 with WRITTEN warning)

RACE/ETHNICITY	# of Warnings	% OF Total	2010 BELL COUNTY CENSUS	Comparison
BLACK	684	21.1%	21.8%	- .7%
ASIAN/PACIFIC ISLANDER	50	1.5%	4.1%	- 2.6%
WHITE (Non-Hispanic)	1,861	57.4%	50.7%	+ 6.7%
HISPANIC/LATINO	645	19.9%	21.6%	- 1.7%
ALASKAN NATIVE/ AMERICAN INDIAN	2	.1%	1.0%	- .9%
TOTAL	3,242		*Source: 2010 U.S. Census Bureau Census does NOT equal 100%	

**Hispanic is considered a race according to the Texas Racial Profiling Act. However, the U.S. Census does not use the same distinction. The U. S. Census recognizes Hispanic as an ethnicity that can be related to any race.

Motor Vehicle Stops Resulting in a VERBAL warning:

Verbal warnings were added to the 2018 requirement in the racial profiling reporting process. See charts one and two to view the verbal warning data, percentages, and comparisons. Again, we listed city of Temple and Bell County censuses for comparison purposes.

Analysis of Temple Census

(Chart 1 with VERBAL warning)

RACE/ETHNICITY	# of Verbals	% of Total	2010 CITY OF TEMPLE CENSUS	Comparison
BLACK	593	24.9%	17.4%	+ 7.5%
ASIAN/PACIFIC ISLANDER	43	1.8%	2.5%	- .7%
WHITE (Non-Hispanic)	1,230	51.7%	55.5%	- 3.8%
HISPANIC/LATINO	509	21.4%	23.7%	- 2.3%
ALASKAN NATIVE/ AMERICAN INDIAN	3	.1%	0.7%	- .6%
TOTAL	2,378		*Source: 2010 U.S. Census Bureau Census does NOT equal 100%	

### Analysis of Bell County Census

(Chart 2 with VERBAL warning)

RACE/ETHNICITY	# of Verbals	% OF Total	2010 BELL COUNTY CENSUS	Comparison
BLACK	593	24.9%	21.8%	+ 3.1%
ASIAN/PACIFIC ISLANDER	43	1.8%	4.1%	- 2.3%
WHITE (Non-Hispanic)	1,230	51.7%	50.7%	+ 1.0%
HISPANIC/LATINO	509	21.4%	21.6%	- .2%
ALASKAN NATIVE/ AMERICAN INDIAN	3	.1%	1.0%	- .9%
TOTAL	2,378		*Source: 2010 U.S. Census Bureau Census does NOT equal 100%	

**Hispanic is considered a race according to the Texas Racial Profiling Act. However, the U.S. Census does not use the same distinction. The U. S. Census recognizes Hispanic as an ethnicity that can be related to any race.

Breakdown of traffic stops leading to arrests, citations, written warnings, or verbal warnings
Race or ethnicity known:

Table 3: Was race
or ethnicity known
prior to stop?
CCP 2.132(b)(6)(c)

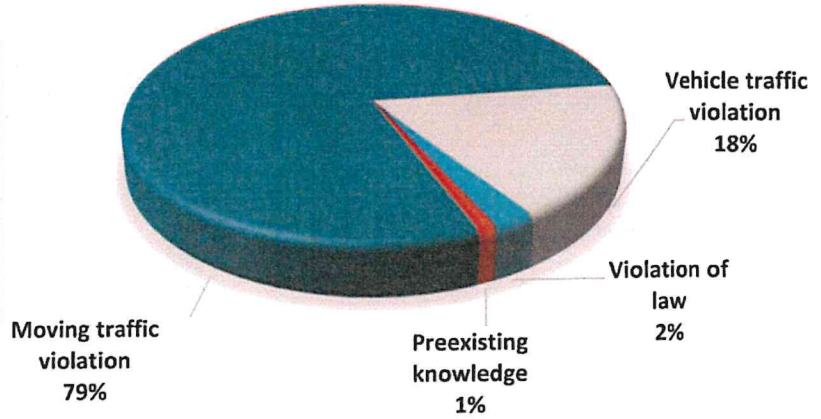3.1 Yes: 346
3.2 No: 20,203

No
98%

Yes
2%
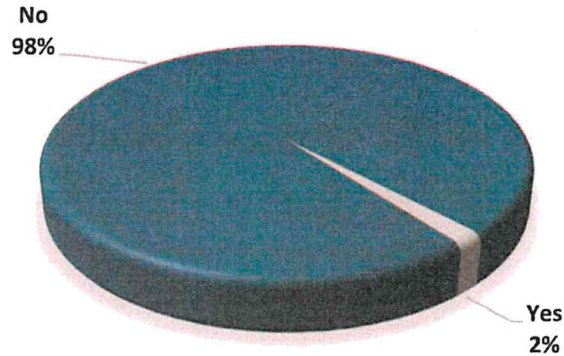
Texas law requires the department to report whether an officer knew the race of an individual prior to conducting a stop. It is unreasonable to assume that a police officer, especially in an urban setting, would never know the race of the person being stopped prior to making a decision to stop a vehicle. Frequently, officers receive radio information about certain situations that include the race of a person driving or occupying a vehicle. In fact, officers may even know the actual identity of a person being stopped prior to or simultaneous with a decision to make a motor vehicle stop. Again, the law requires the department to track vehicle stops for all violations of law, not just traffic violations.

Race Known Prior to Stop

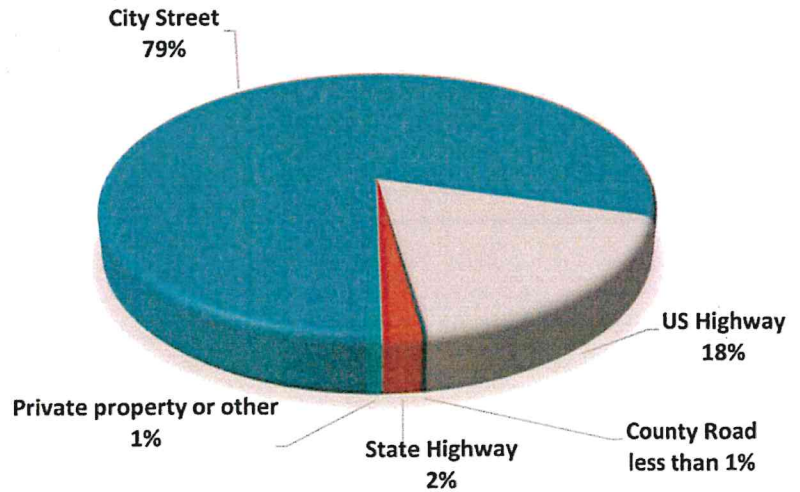| Action	Yes	No	Total	% Known
CITATION	128	13,969	14,097	.9%
WRITTEN WARNING	75	3,167	3,242	2.3%
VERBAL WARNING	50	2,328	2,378	2.1%
ARREST	93	734	827	11.2%
ARREST WITH CITATION	0	5	5	0.0%
TOTAL	346	20,203	20,549	1.7%

Breakdown of traffic stops leading to arrests, citations, written warnings, or verbal warnings
Reason for stop:

Table 4: Reason for Stop
CCP 2.132(b)(6)(F), 2.133(b)(2)

4.1 Violation of law: 491
4.2 Preexisting knowledge: 204
4.3 Moving traffic violation: 16,204
4.4 Vehicle traffic violation: 3,650

Vehicle traffic violation
18%

Violation of law
2%

Moving traffic violation
79%

Preexisting knowledge
1%

Breakdown of traffic stops leading to arrests, citations, written warnings, or verbal warnings
Street address or approximate location of stop:

Table 5: Type of location
CCP 2.132(b)(6)(E), 2.133(b)(7)

5.1 City Street: 16,301
5.2 US highway: 3,645
5.3 County Rd: 52
5.4 State highway: 387
5.5 Private property or other: 164

City Street
79%

US Highway
18%

County Road less than 1%

State Highway
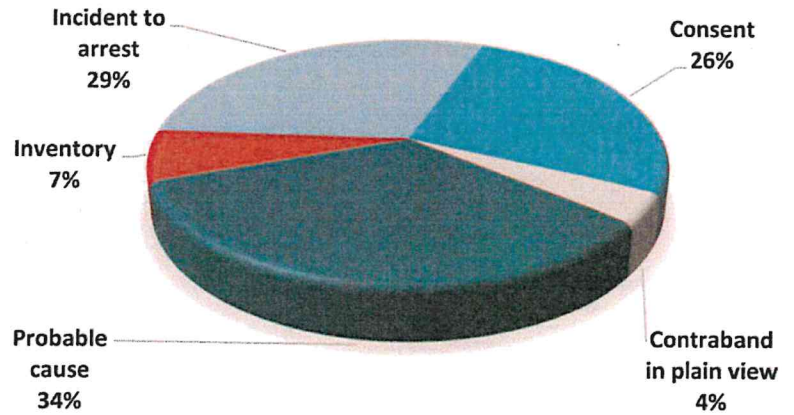2%

Private property or other
1%

Breakdown of traffic stops leading to arrests, citations, written warnings, or verbal warnings
Search conducted:

Table 6: Was a search conducted
CCP 2.132(b)(6)(B), 2.133(b)(3)

6.1a Yes: 1,097
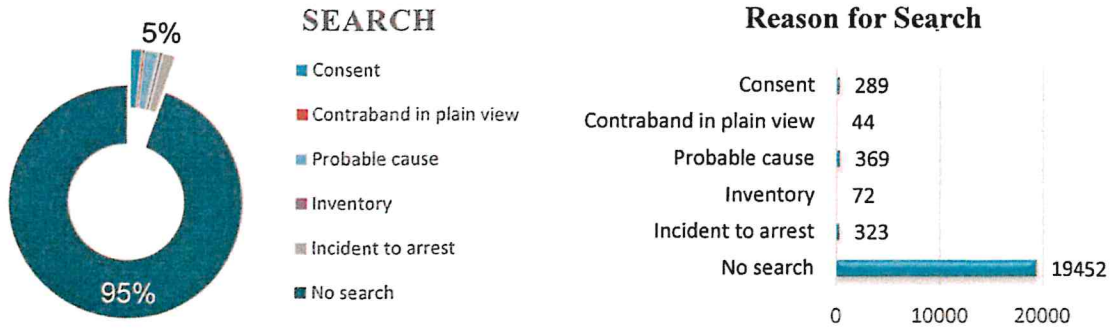6.2a No: 19,452
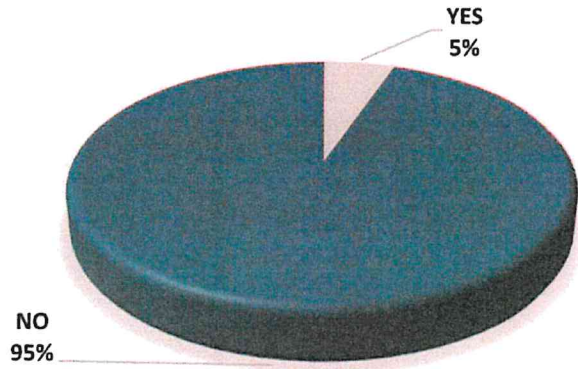
YES
5%

NO
95%

Breakdown of traffic stops leading to arrests, citations, written warnings, or verbal warnings
Reason for the search:

Table 7: Reason for Search
CCP 2.132(b)(6)(B),
2.133(b)(3); CCP
2.133(b)(5)(A); CCP
2.133(b)(5)(B); CCP
2.133(b)(5)(C)

7.1 Consent: 289
7.2 Contraband in plain view: 44
7.3 Probable cause: 369
7.4 Inventory: 72
7.5 Incident to arrest: 323

Incident to arrest
29%

Consent
26%

Inventory
7%

Contraband in plain view
4%

Probable cause
34%

There were 20,549 traffic stops leading to arrests, citations, written warnings, or verbal warnings and during these stops, 1,097 (5%) searches were made.

5%

95%

SEARCH
- Consent
- Contraband in plain view
- Probable cause
- Inventory
- Incident to arrest
- No search

Reason for Search

Consent	289
Contraband in plain view	44
Probable cause	369
Inventory	72
Incident to arrest	323
No search	19452

0   10000   20000

Breakdown of traffic stops leading to arrests, citations, written warnings, or verbal warnings
Contraband discovered:

Table 8: Was contraband discovered
CCP 2.133(b)(4)

6.1a Yes: 486
6.2a No: 20,063
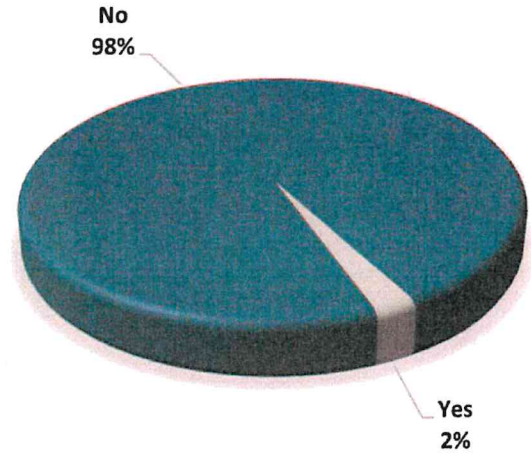
No
98%

Yes
2%

Breakdown of traffic stops leading to arrests, citations, written warnings, or verbal warnings
Description of contraband:

Table 9: Description of contraband
CCP 2.133(b)(4)

9.1 Drugs: 352
9.2 Currency: 5
9.3 Weapons: 37
9.4 Alcohol: 40
9.5 Stolen Property: 18
9.6 *Other: 82

*Other
15%

Stolen
Property
3%

Alcohol
8%

Weapons
7%

Currency
1%

Drugs
66%
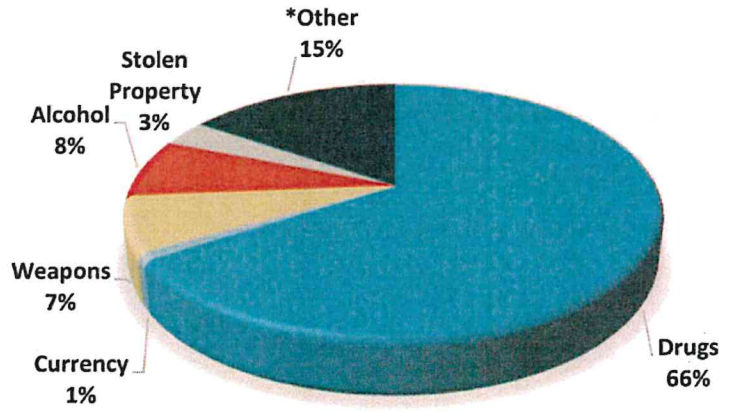
*NOTE: "Other" means contraband with potential evidence not included in the categories above.
Example: Drug paraphernalia

Breakdown of traffic stops leading to arrests, citations, written warnings, or verbal warnings
Result of stop:

Table 10: Result of Stop
CCP 2.133(b)(8), CCP 2.133 (b)(6)

10.1 Verbal warning: 2,378
10.2 Written warning: 3,242
10.3 Citation: 14,097
10.4 Written warning and arrest: 0
10.5 Citation and arrest: 5
10.6 Arrest: 827
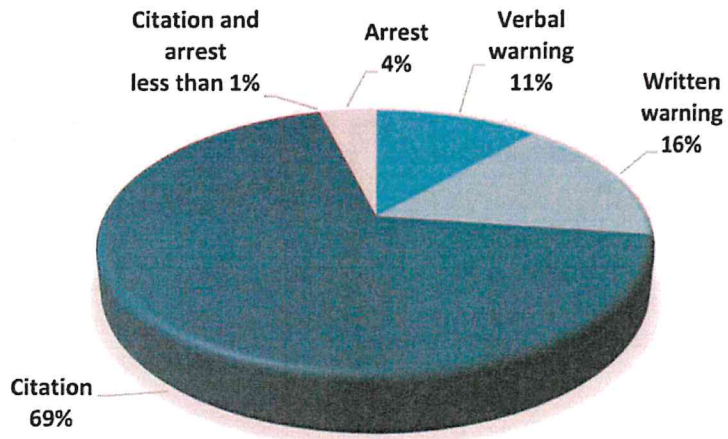
Citation and arrest less than 1%
Arrest 4%
Verbal warning 11%
Written warning 16%
Citation 69%

Breakdown of traffic stops leading to arrests, citations, written warnings, or verbal warnings
Arrest based on:

Table 11: Arrest based on
CCP 2.133(b)(6)

11.1 Violation of Penal Code: 403
11.2 Violation of Traffic Law: 201
11.3 Violation of City Ordinance: 3
11.4 Outstanding Warrant: 225

Violation of Penal Code 49%
Vioation of Traffic Code 24%
Violation of City Ordinance less than 1%
Outstanding Warrant 27%
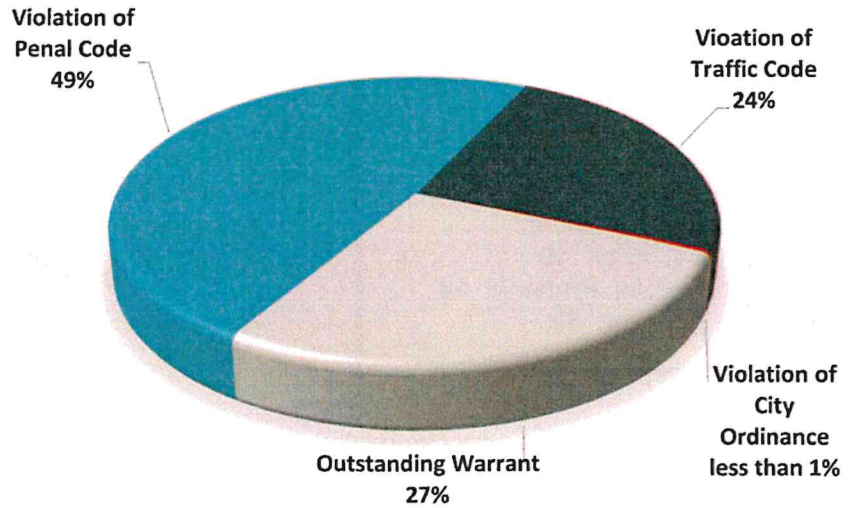
Motor vehicle Stop Leading to an Arrest

In 2019, Temple police officers made 3,631 arrests of which 832 were the result of a motor vehicle stop.

| Traffic stop leading to arrest		
DESCENT	# of arrests	% of total arrests
BLACK	305	36.7%
ASIAN/PACIFIC ISLANDER	6	.7%
WHITE (Non-Hispanic)	286	34.4%
HISPANIC/LATINO	235	28.2%
ALASKAN NATIVE/ AMERICAN INDIAN	0	0%
TOTAL	832	

Breakdown of traffic stops leading to arrests, citations, written warnings, or verbal warnings
Physical force resulting in bodily injury used during stop:

Table 12: Was physical force resulting in bodily injury used during stop?
CCP 2.132(b)(6)(D), 2.133(b)(9)

12.1 Yes: 10
12.2 No: 20,539

yes — Less than 1%
no — 99%
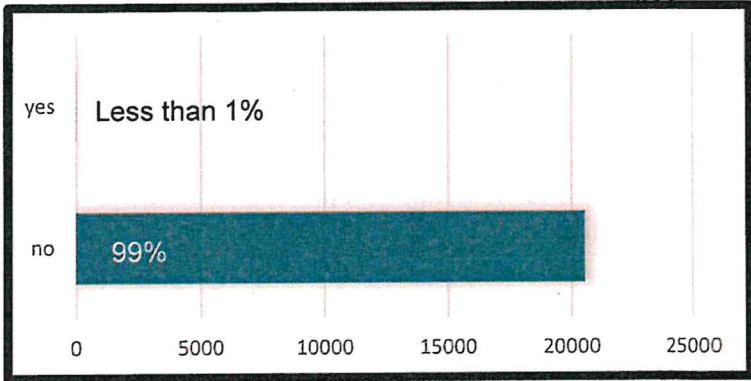
Employee Training and Public Education

Police officers receive extensive training about racial profiling as required by the Texas Commission on Law Enforcement (TCOLE). In addition to the TCOLE requirements, our policy requires bi-annual training on racial profiling, cultural diversity, and other social issues with the last training conducted in 2019. Officers are initially trained in these topics during the basic police academy. Following that training, police officers receive continuing education on these topics during regularly scheduled intervals established by TCOLE and department policy.

State law also requires the department to establish a method for citizens to file complaints against police officers that a citizen believes is engaging in racial profiling. Additionally, the department must educate the public on this process. The department has developed a form for citizens to make complaints or commendations regarding police conduct (Appendix A – this form is available online). The department also accepts any written complaint if a citizen prefers to send a letter in lieu of using the form. In accordance with state law, a complaint on a police officer must be in writing.

Diversity within the Temple Police Department

The Temple Police Department strives to maintain a workforce that is representative of the community it serves. Appendix B provides a breakdown of the demographics within the sworn members of the department. Though the hiring processes used by the department are governed by state civil service laws, women, and minorities are continuously recruited and encouraged to apply.

Since 2009, the department's minority ranks have grown. In 2009, minorities (such as those listed in this report) comprised of 20.6% of the peace officers employed by the agency. Today, that number is 24%.

Addressing Bias-based Policing:

The Temple Police Department remains committed to providing fair and unbiased policing services to the community. To ensure this we will continue to do the following:

- Provide sensitivity training to police personnel and comply with regulations established by the Texas Commission on Law Enforcement.
- Disseminate information to all officers regarding the guidelines of behavior acceptable under the Texas Racial Profiling Law.
- Record vehicle stops and other encounters with citizens as appropriate.
- Keep the City Council, City Manager, and other appropriate officials posted on measures being implemented by the Department.
- Provide an atmosphere in which officers are constantly aware of the inappropriateness of using bias in policing, and that the Department prohibits any practice that is based on improper or illegal foundations.
- Continue to hire qualified minority applicants for police officer positions.
- Monitor data entry to ensure the accuracy of information in police records.

Conclusion:

The information drawn from the motor vehicle stop data shows the Department operates in a fair and consistent manner with the diversity within the population. There is no evidence that racial profiling is used by officers to make enforcement decisions. This is further supported by the fact that in 2019 there were two citizen complaints alleging racial profiling incidents. Investigations into those allegations determined that agency personnel acted lawfully and did not engage in racial profiling in any of the alleged incidents.

The Department will continue to collect police contact data in its on-going evaluation of the practices of our officers. The intent of this continued vigilance is not only to work within the law, but to provide the citizens of Temple, and others, with highly professional and courteous service while the department strives to operate using the best practices and ethical behaviors that are expected of American law enforcement.

APPENDIX A – Temple Police Department Citizen Commendation/Complaint Form

Temple Police Department

Citizen Commendation/Complaint Form

I, _____, wish to make a commendation/complaint on_____.

My Commendation/complaint is based on the following facts:

Date Occurred: _____ Day of Week: _____ Time Occurred: _____AM/PM

_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____

Name: _____ Date of Birth: _____

Address: _____ City: _____ State: _____ Zip: _____

Telephone Number: _____

> I understand, and it is desired, that this complaint will be investigated diligently. I further understand that if the investigation proves these allegations to be false, I may be liable to both criminal and civil prosecution. I also understand that, in some cases, I may be asked to submit to a polygraph examination as part of the investigation.

(If this form is used for a commendation, the form does not require a notary's signature)

_____   _____
Date   Name

Subscribed and sworn to before me on this date _____Day of _____, 20_____

                                               _____
                                               Notary's Signature

        (Seal)   My notary Public Commission expires: _____

TEMPLE POLICE SWORN PERSONNEL

2009

Race/Ethnicity	Female	Male	Total	% of Dept.
White (Non-Hispanic)	3	101	104	79%
Black	2	9	11	8%
Hispanic/Latino	3	8	11	8%
Asian/Pacific Islander	0	4	4	3%
Alaskan Native/Native American	0	1	1	1%
Totals	8	123	131	

Total Female Sworn: 8 (6.1% of TPD)
Total Sworn Officer Minorities: 27 (20.6% of TPD)

Comparison of 2009 vs 2019

2019

Race/Ethnicity	Female	Male	Total	% of Dept.
White (Non-Hispanic)	13	104	117	76%
Black	4	15	19	12%
Hispanic/Latino	5	7	12	8%
Asian/Pacific Islander	1	2	3	2%
Alaskan Native/Native American	1	2	3	2%
Totals	24	130	154	

Total Female Sworn: 24 (15.6% of TPD)
Total Sworn Officer Minorities: 37 (24% of TPD)