



Town of Highland Park, Texas
TOWN COUNCIL STUDY SESSION
AGENDA

8:00 AM
June 2, 2026

4700 Drexel Drive, Highland Park, TX 75205
Executive Conference Room, Second Floor

I. CALL TO ORDER

II. PUBLIC COMMENT

This portion of the agenda is the public's opportunity to address the Town Council about any item listed on the agenda, except public hearings. Comments related to public hearings will be heard when the specific hearing begins. Public comments are limited to three (3) minutes per speaker, unless otherwise required by law. Per the Texas Open Meetings Act, the Town Council is not permitted to take action on or discuss any item not listed on the agenda. Items suggested for action may be placed on a future agenda at the Town Council's sole discretion.

III. REPORTS

- A. Review and discuss the Highland Park Department of Public Safety's Texas Law Enforcement Agency Racial Profiling Report for 2025, and a report on the Highland Park Municipal Court best practices and disposition of citations for 2025.
- B. Review and discuss the development of the Fiscal Year 2026-27 Budget.
- C. Review and discuss the public safety implications related to the FIFA World Cup 2026.
- D. Review and discuss the Highland Park On-Demand Pilot Program.

IV. REQUEST FOR FUTURE AGENDA ITEMS

- A. Review, discuss, and consider the opportunity for a Town Council Member to request an item to be placed on a future Town Council Meeting agenda.

V. ADJOURNMENT

Any item on this posted agenda could be discussed in closed session as long as it is within one of the permitted categories under Sections 551.071 through 551.076 and 551.087 of the Texas Government Code.

A member of the public may address the governing body regarding an item on the agenda either before or during the body's consideration of the item, upon being recognized by the presiding officer or the consent of the body.

ACCOMMODATIONS FOR TOWN COUNCIL MEETINGS:

Please contact the Town of Highland Park Administrative staff at (214) 521-4161 from 7:30 a.m. - 4:30 p.m., Monday through Friday if you need assistance of any kind.



Town of Highland Park, Texas Taxpayer Impact Statement

This Taxpayer Impact Statement is required under Texas Government Code 551.043, as amended by HB 1522, effective September 1, 2025. In accordance with the statute, the Town is required to post a Taxpayer Impact Statement with the agenda for any meeting at which the Town Council will discuss or adopt a budget, to include budget amendments. The information required to be included in the statement is dictated by the statute.

Median Taxable Value - Detached Single Family Residence

Tax Year 2024	\$2,073,347
Tax Year 2025	\$2,271,358
Change	9.55%

Annual Tax Bill Calculation*

Rate Type	Tax Rate per \$100 Valuation	Estimated Tax Bill
2024 Adopted Rate	0.208550	\$4,323.97
2025 No-New-Revenue Rate	0.191974	\$4,360.42
2025 Adopted Rate	0.199296	\$4,526.73

Calculations*

Rate Type	Calculations
2024 Adopted Rate	$(\$2,073,347 / 100) \times 0.208550 = \$4,323.97$
2025 No-New-Revenue Rate	$(\$2,271,358 / 100) \times 0.191974 = \$4,360.42$
2025 Adopted Rate	$(\$2,271,358 / 100) \times 0.199296 = \$4,526.73$

* Calculation based on Median Taxable Value of detached single-family residence as reported by the Dallas Central Appraisal District. Individual results may vary due to applicable exemptions.



**Town of Highland Park
Town Council Study Session
Tuesday, June 2, 2026**

Item Coversheet

Review and discuss the Highland Park Department of Public Safety's Texas Law Enforcement Agency Racial Profiling Report for 2025, and a report on the Highland Park Municipal Court best practices and disposition of citations for 2025.

PRESENTED BY: Chuck McGinnis, Director of the Department of Public Safety/Chief

BACKGROUND:

Article 2.134 of the Texas Code of Criminal Procedure requires law enforcement agencies to report specified motor vehicle stop data annually to the Texas Commission on Law Enforcement and to the governing body of each county or municipality. In compliance with state law, all traffic-related contact data must be submitted no later than March 1 of each year. The Department has consistently satisfied this requirement, and the data was previously presented to the Town Council on February 17, 2026.

Since the establishment of this law in 2001, the Town's Department of Public Safety has maintained full compliance with these reporting obligations. Consistent with the Town's commitment to transparency and accountability in law enforcement practices, the Town retained Dr. Alex del Carmen, a nationally recognized expert in racial sensitivity training and bias-based profiling, to conduct an independent review of the Department's data collection processes and reporting practices. Dr. del Carmen has evaluated the Department's data, policies, and procedures related to bias-based contacts for the years 2014 through 2025. In addition, he performs quarterly citation audits to further ensure accountability, consistency, and fairness in enforcement practices.

The Town also retained Dr. del Carmen to conduct an independent assessment of Municipal Court operations and procedures to ensure equitable treatment of all defendants throughout the citation resolution process. As part of this review, he continues to evaluate both quantitative and qualitative case disposition data to validate the fairness, impartiality, and integrity of the Court's operations.

The Town initiated its annual external review of court operations in response to the findings published by the United States Department of Justice following its review of municipal court practices in Ferguson. The Town of Highland Park was among the first municipalities, and may be one of the only municipalities, to voluntarily subject its police and municipal court operations to this level of independent external review.

Following a comprehensive analysis of the relevant data and operational practices, Dr. del

Carmen identified no concerns regarding the Department's compliance with state law and found no significant issues related to the operation, oversight, or administration of the Municipal Court.

Dr. del Carmen will provide a detailed presentation of his findings and will be available to answer questions and engage in discussion with the Town Council.

RECOMMENDATION

No action is required by the Town Council as the item is provided as a report and discussion only.

FINANCIAL IMPACT

None

ATTACHMENTS

HP2025, HighlandParkCourtAnalysis2025, 2025 Highland Park Department of Public Safety Racial Profiling Report-Compressed

Highland Park Municipal Court and DPS Sandra Bland Compliance (2025)



Directive

The Town of Highland Park Leadership took a proactive position towards police and court reform by engaging Del Carmen Consulting, to provide an on-going assessment of both the municipal court and department of public safety (DPS).

HP Court Assessment Objectives

The objectives of the Highland Park Municipal Court Analysis are as follows:

- Review and assess current policies to determine the need to replace, add, or remove court policies.
- Review and assess the current web-based information to the public to identify areas where the content and dissemination of information could be improved.
- Review the case-processing system in order to identify areas of improvement.
- Analyze the court related data and provide relevant findings while making the appropriate recommendations.

Overview of the 2025 Data

Highland Park Municipal Court filed 4,741 cases.

Highland Park Municipal Court completed dispositions on 4,054 cases.

At the close of the calendar year, the court had 6,225 outstanding cases.

The filing and dispositions of cases appears proportional among all races. Most cases involved Whites, followed by Hispanics, and Blacks.

Case Disposition Analysis

Two Venues for Case Disposition

- Court Appearance
- Court Window

An analysis of each venue of disposition was conducted

The analysis looked for evidence of inequities among races both in overall disposition and in the various methods of disposition

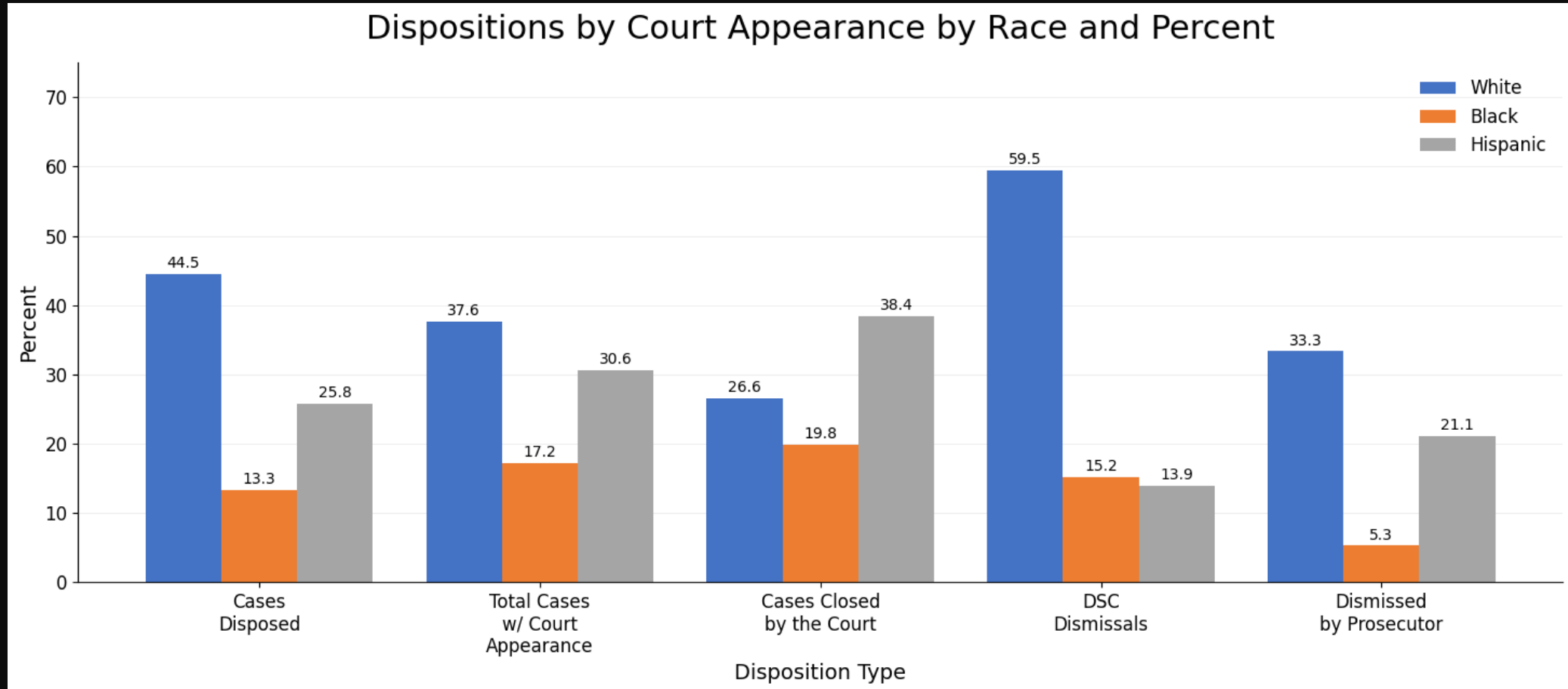
Court Appearance Dispositions

Of the 4,054 case dispositions this year, 1,052 were closed through court appearance.

When disaggregating the dispositions by race of all cases through court appearance, 38% were of Whites, 17% were of Blacks, 31% of Hispanics, and 4% of Asians.

While most court appearance seemed proportional to each race, one mild anomaly was discovered in dispositions by Driver Safety Course (DSC), where Whites appear slightly over-represented and Hispanics slightly underrepresented. This may be due to refusal of Hispanic drivers to participate in the DSC.

Various Court Appearance Dispositions



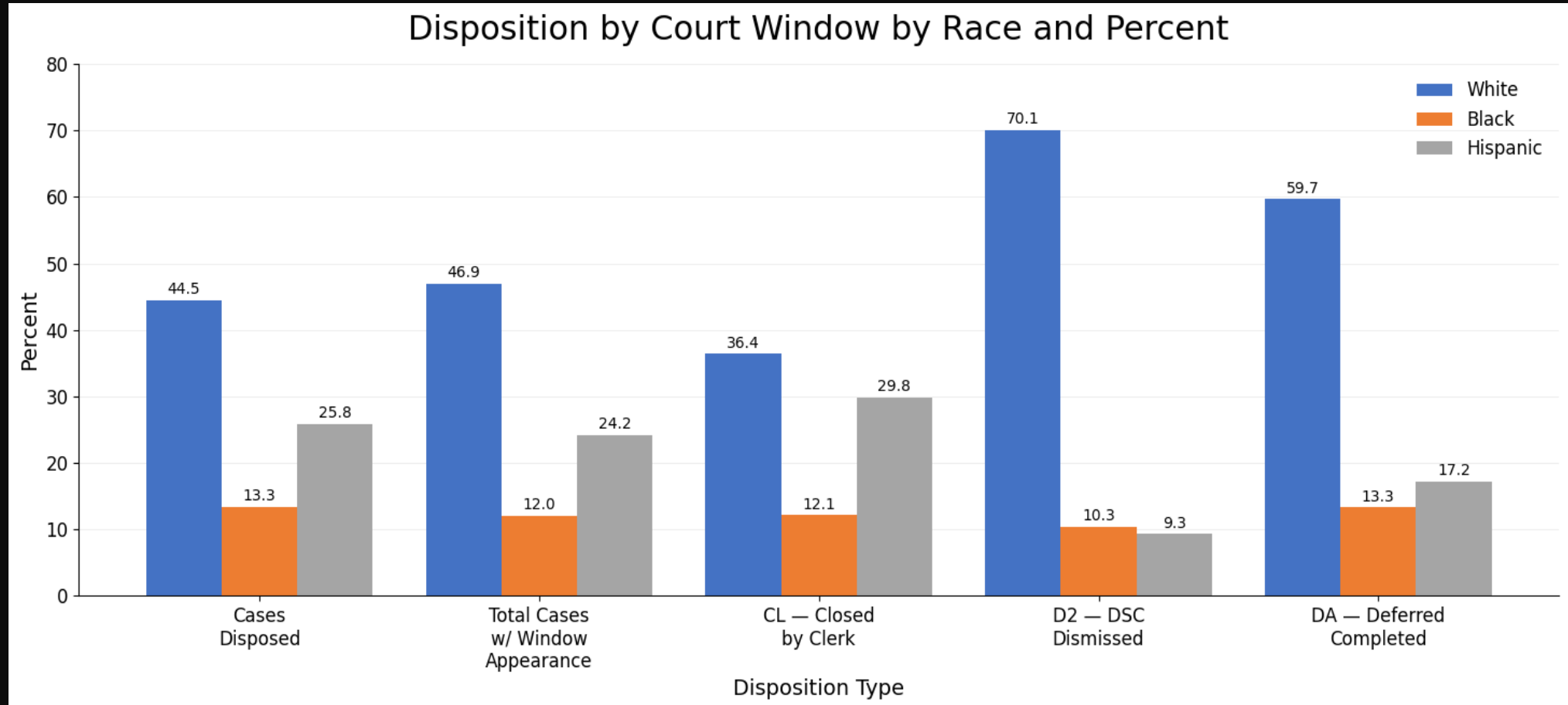
Court Window Dispositions

Of the 4,054 case dispositions this year, 3,002 were closed through appearance at the court window.

When disaggregating the dispositions by race, 47% of White cases, 12% of Black cases, 24% of Hispanic cases, and 4% of Asian cases were disposed by appearance at the court window.

Like the court appearance dispositions, most court window dispositions seemed proportional to each race, except the disposition of Driver Safety Course (DSC), where Whites appear overrepresented and Hispanics underrepresented.

Various Court Window Dispositions



Summary

We congratulate the court in its continued commitment to treat all, regardless of race and ethnicity, with fairness and objectivity.

We appreciate that the court continues to adhere to our recommendations which aim at ensuring racial identifiers be used in the software that produces the tables for analysis and that such identifiers remain consistent across all tables.

Summary

A review of the 2025 municipal court data was conducted.

The review analyzed cases filed, cases disposed, and cases that remain outstanding.

The analysis included separate reviews of the venues of disposition—by court appearance or by court window.

When disaggregating all the data by race, it appears the court is operating fairly and equitably among all races as evidenced by proportional representation in the variables analyzed.

Questions?

Highland Park DPS Annual Contact Data (2025)



**DEL CARMEN
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LAW ENFORCEMENT EXPERTS



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Requirements of the Texas Profiling Law Sandra Bland Act

- The Sandra Bland Law:
 - Re-defines a contact
 - Report on citations, tickets, warnings and arrests
 - Requires specific analysis of data (including searches)
 - Requires data audits
- Complaint or compliment process
- Use of force results in injury reports
- Council/TCOLE by March 1st

Report on Complaints 1/1/2025— 12/31/2025

The Highland Park DPS received two racial profiling complaints in 2025; both were investigated and found to be unsubstantiated.

Informing the Public

- HPDPS is in compliance with Senate Bill 1074 and the Sandra Bland Act
- HPDPS posts in the lobby on how to file a complaint on a racial profiling violation
- HPDPS informs the public (on qualifying contacts) on how to file a compliment or complaint including the department's telephone number, mailing address and email address

Tier 2 (2025)

Motor Vehicle Contact Analysis

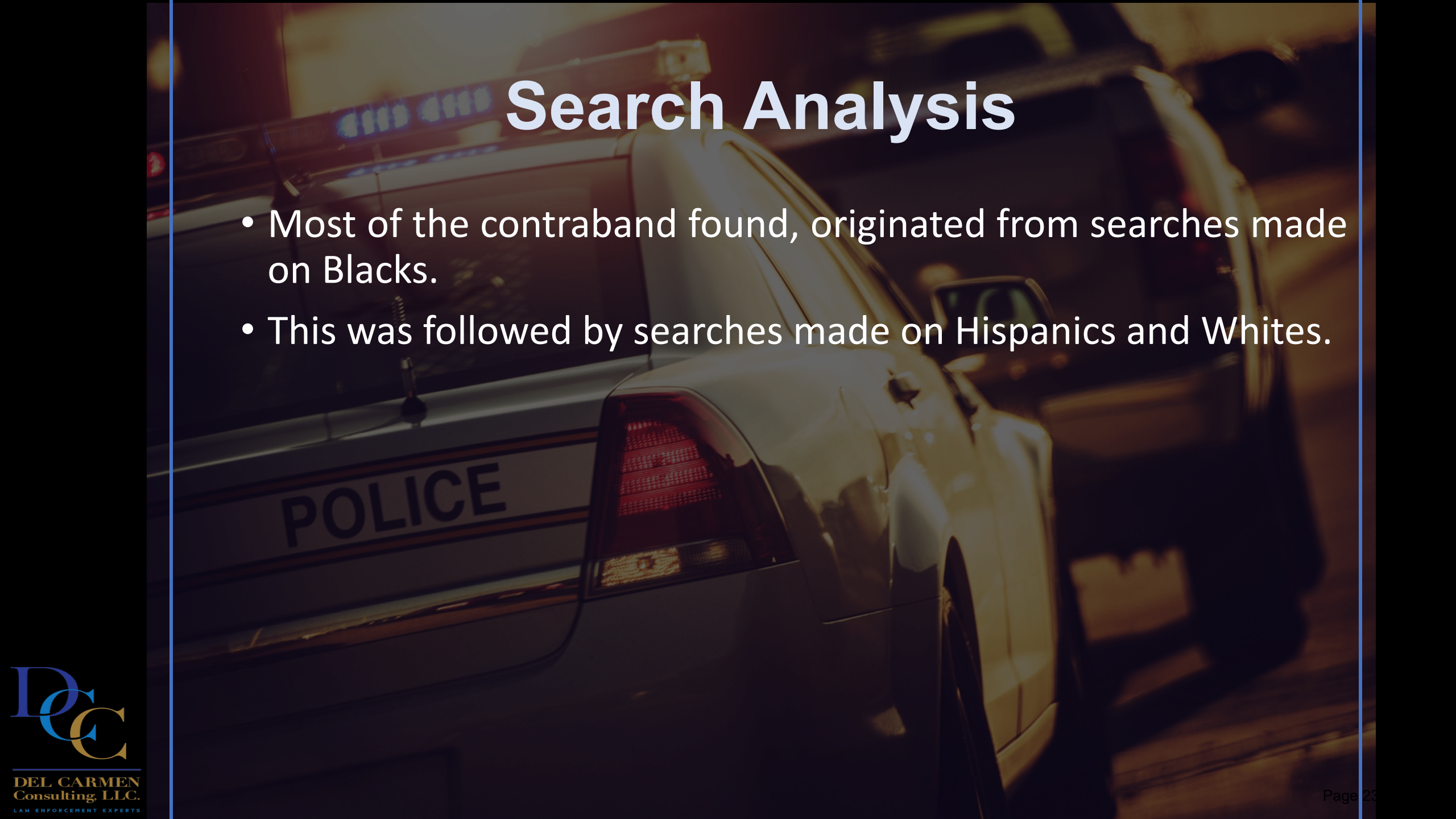
The trends on contacts were as follows:

- Most contacts were with Males
- Most were contacts with Whites
- Officers did not know the race/ethnicity prior to the stop
- The most frequent reason for a stop was “moving traffic violation”
- Most stops took place on “city streets”

Tier 2 (2025)

Motor Vehicle Contact Analysis

- Most stops did not result in a search
- Of those searched, the reason cited the most was “inventory”
- Most searches did not result in contraband being discovered
- The contraband most frequently found was “drugs”
- Most stops resulted in “verbal warnings”
- Most arrests were based on “violation of the penal code” and “outstanding warrant”
- There were five use of force instances that resulted in bodily injury



Search Analysis

- Most of the contraband found, originated from searches made on Blacks.
- This was followed by searches made on Hispanics and Whites.

Complying with the Sandra Bland Act

- The Department has also:
 - Revised its racial profiling policy to meet the new requirements of the law.
 - Engaged our firm in performed objective and external quarterly data audits.
 - Collected the enhanced version of Tier 2 data.
 - Engaged our firm in analyzing the data.
 - Informed the public, when making a contact, on how to file a compliment or complaint, as required by law.

Recommendations

1. Collect and analyze data on searches.
2. Foster partnerships with organizations representing minority interests.
3. Commission quarterly data audits in order to determine the validity and reliability of data collected/reported in 2026.
4. Train all police officers on the new data requirements (Sandra Bland Act).
5. Commission a deep dive analysis on the search related data collected in 2026.

Questions

Del Carmen Consulting, LLC

817.681.7840

www.TexasRacialProfiling.com

www.DelCarmenConsulting.com

Twitter - @RaceProfiling

The Town of Highland Park

Municipal Court

2025 Data Analysis

Prepared by
Del Carmen Consulting, LLC

The Town of Highland Park Municipal Court requested an analysis of their 2025 court data. Some time ago, the Department of Justice (DOJ) issued a report on the court practices of Ferguson, Missouri, which indicated inequitable treatment of minorities within their local judicial system. The findings of the Ferguson report have prompted local municipal courts to analyze and reflect on their own practices with a view toward discovery of inequities and proactive actions to correct any areas in need of attention to ensure that people of all races receive equitable treatment under the law.

Thus, the purpose for the analysis of Highland Park Municipal Court data is to gather context on the practices of the court and, where necessary, offer amendments to policies or practices to improve equitable operations.

Municipal Court Data

The data analyzed in this report was provided by Highland Park Municipal Court for the period January–December 2025 and was compiled across four quarterly data submissions. The court downloaded their data from the municipal court software system and placed the data into Excel spreadsheets. The data received was then restructured into a reader-friendly format where a number of calculations could be written to gather context on the operations of the court. Each data point in this report has been verified through multi-point statistical reconciliation against the master Cases & Disposition Summary tabs and against the Court Appearance and Court Window disposition tabs of each quarterly submission.

Since the Ferguson report was about inequitable racial treatment within the Ferguson court, the analysis in this report is strictly focused on the treatment of races within their court practices. Thus, there is no analysis in this report that disaggregates the data by gender, nor does it disaggregate by resident/non-resident status. Further, since there were very few cases involving Middle Eastern, Native American, and Unknown defendants, no separate analysis is conducted with these racial categories beyond their inclusion in the underlying tables. Further, the racial identifier of Unknown may refer to cases where a parking citation was issued, thus no race was known at the time of the citation. There will be no narrative analysis of the Unknown cases.

This report is structured in four sections as follows:

1. Cases filed analysis
2. Case disposition analysis
3. Cases outstanding analysis
4. Cases filed in 2025 and outstanding at year-end

A summary of findings will be provided at the conclusion of the report.

Note on Racial Nomenclature—In the data provided by Highland Park Municipal Court, there were a number of different ways to refer to race. For example, in some data Whites were referred to as Caucasian, and in other data as Whites. Likewise, some data referred to Blacks, and some data referred to African American. In order to simplify the analysis contained in this report, the following racial identifications were used:

1. White
2. Black
3. Hispanic
4. Asian
5. Middle Eastern

- 6. Native American
- 7. Unknown

Cases Filed Analysis

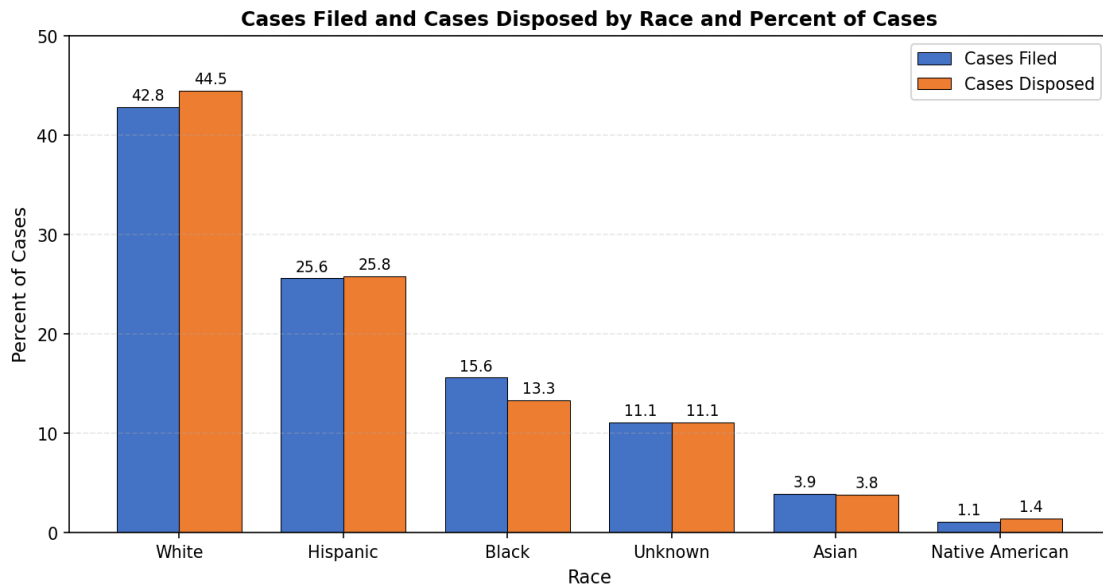
To begin, a simple comparison was made between cases filed and cases disposed within the 2025 calendar year. These variables were disaggregated by race and placed into a structured table that also allowed for calculation of the percentages that each race represents in cases filed and cases disposed.

Table 1—Cases Filed and Cases Disposed Disaggregated by Race

Race	Cases Filed	Cases Filed %	Cases Disposed	Cases Disposed %
White	2,031	42.8	1,805	44.5
Black	738	15.6	541	13.3
Hispanic	1,212	25.6	1,048	25.8
Asian	184	3.9	153	3.8
Middle Eastern	0	0.0	2	0.0
Native American	51	1.1	57	1.4
Unknown	525	11.1	449	11.1
Total	4,741	100	4,055	100

From this table, Whites represent 42.8% of all cases filed and 44.5% of all cases disposed. Hispanics account for 25.6% of cases filed and 25.8% of cases disposed. This is followed by Blacks, who comprise 15.6% of cases filed and 13.3% of cases disposed. It is easier to see the proportionality of these data when displayed graphically on the chart below. From this table, it is apparent that the majority of cases involved Whites, followed by Hispanics, and then Blacks. The table also indicates that there is relatively proportional representation between cases filed and cases disposed, meaning that the two variables essentially tell the same narrative about racial distribution. Thus, this does not indicate any inequity between the treatment of races at the level of overall filings and overall dispositions.

Figure 1—Cases Filed and Cases Disposed by Race and Percent



A note on year-over-year context: Compared to 2024, total cases filed increased modestly from 4,177 to 4,741 (a 13.5% increase), and total cases disposed increased from 3,707 to 4,055 (a 9.4% increase). The racial distribution of filings and dispositions remained substantively comparable, with Whites continuing to represent the largest share, followed by Hispanics, then Blacks.

Case Disposition Analysis

In this section, the disposition of cases, disaggregated by race, is analyzed. This year, the municipal court disposed of 4,055 cases, as noted in Table 1. Here, the methods of disposition are examined across racial distributions. The data provided by the court indicates that there are two general venues for case disposition—that is, disposition by court appearance and disposition by appearance at the court window. These will be reviewed separately.

Case Disposition by Court Appearance

The first venue of disposition analyzed is that of court appearance. Of the 4,055 cases disposed this year, 1,064 were disposed through court appearance. Thus, 26.24% of all dispositions were done through court appearance. When disaggregating the dispositions by race, 22.1% of White cases, 33.8% of Black cases, 31.0% of Hispanic cases, and 26.1% of Asian cases were disposed by court appearance. Thus, Blacks were more likely than other races to make disposition through court appearance, followed by Hispanics, then Asians, then Whites. This pattern is generally consistent with the 2024 findings, with the magnitude of difference between groups being similar to the prior year. The table below displays the raw data on disposition by court appearance.

Table 2—Disposition by Court Appearance (Counts)

Race	Cases Disposed	Total Cases w/ Court Appearance	Cases Closed by the Court	DSC Dismissal	Dismissed by Prosecutor	Dismissed by Judge	Dismissed (Juveniles/Minors)
White	1,805	399	140	47	19	8	32
Black	541	183	104	12	3	6	0
Hispanic	1,048	325	200	12	12	17	2
Asian	153	40	12	8	1	0	2
Middle Eastern	2	2	2	0	0	0	0
Native American	57	14	6	1	1	1	0
Unknown	449	101	62	0	21	1	0
Total	4,055	1,064	526	80	57	33	36

Of the 1,064 court appearance dispositions, 526 (or 49.4%) were closed by the court following the appearance. Disaggregating that variable by race, 35.1% of White cases, 56.8% of Black cases, 61.5% of Hispanic cases, and 30.0% of Asian cases were listed as closed by the court. Thus, Hispanics had the highest rate of simple court closures within their court appearance dispositions, followed by Blacks, Native Americans, Whites, and Asians, respectively.

Within Court-Appearance dispositions, additional categories include Compliance Dismissal codes (3J/3P), Dismiss-Deferred-Completed (DA), and ancillary categories. The breakdown is shown below.

Table 3—Court-Appeal Disposition (Continued; Counts)

Race	Compliance Dismissal (3J)	Compliance Dismissal (3P)	DA — Dismiss Deferred Comp.	DI — Dismiss Proof Insurance	DT — Dismiss Alcohol Awareness	DX — Not Guilty
White	31	24	96	0	1	1
Black	13	15	23	3	0	4
Hispanic	27	18	31	2	0	4
Asian	2	4	11	0	0	0
Middle Eastern	0	0	0	0	0	0
Native American	0	1	4	0	0	0
Unknown	3	4	10	0	0	0
Total	76	66	175	5	1	9

Overall, the raw data on court-appearance dispositions appears relatively proportional when examined by each race. In the following table, the same data above is converted into percentages. Doing so normalizes the data and facilitates an easier comparison among races.

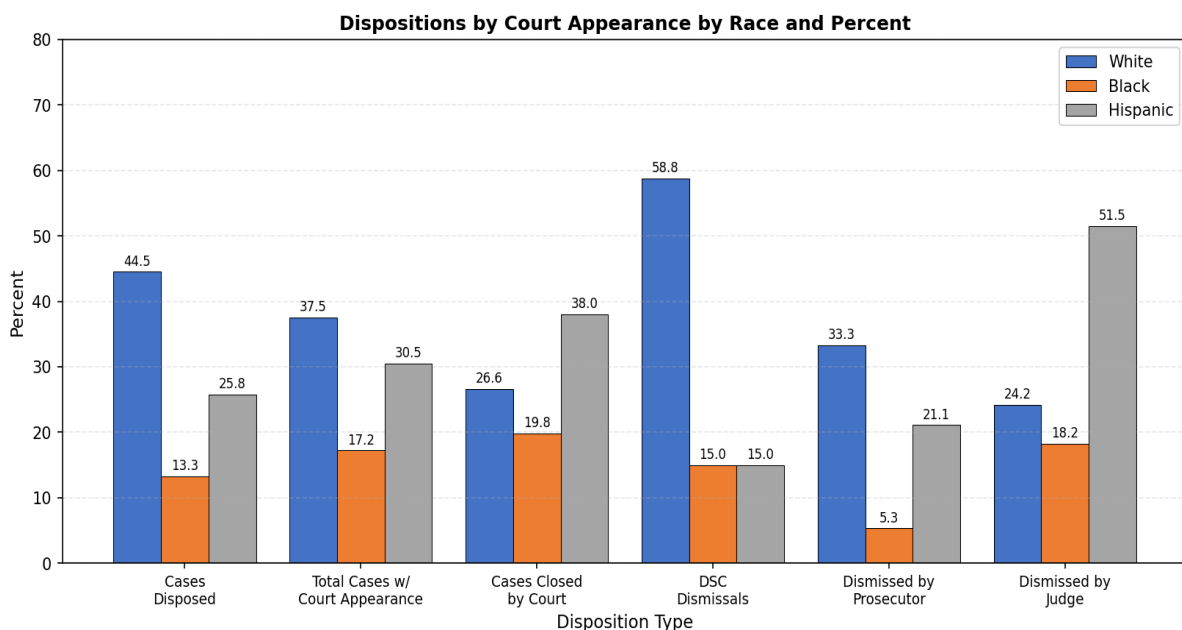
Table 4—Disposition by Court Appearance Displayed in Percentages, Disaggregated by Race

Race	% of Cases Disposed	% of Court Appearances	% of Closed by Court	% of DSC Dismissals	% of Dism. by Prosecutor	% of Dism. by Judge
White	44.5	37.5	26.6	58.8	33.3	24.2
Black	13.3	17.2	19.8	15.0	5.3	18.2
Hispanic	25.8	30.5	38.0	15.0	21.1	51.5
Asian	3.8	3.8	2.3	10.0	1.8	0.0
Middle Eastern	0.0	0.2	0.4	0.0	0.0	0.0
Native American	1.4	1.3	1.1	1.2	1.8	3.0
Unknown	11.1	9.5	11.8	0.0	36.8	3.0
Total	100	100	100	100	100	100

With the data normalized into percentages, the comparison between races and disposition types is easier to understand and, where needed, to discover any anomaly. In the first column, the overall case disposition distribution is displayed for each race. Then each subsequent column may be compared to the overall distribution to note where there are fluctuations in the rates. For example, Whites represent 44.5% of all dispositions, but 58.8% of all DSC (Defensive Driving Course) dismissals at court appearance. That is, Whites represent more than their proportion of DSC dismissals. Likewise, Hispanics represent 25.8% of all dispositions, but 51.5% of all Dismissals by Judge in court appearances and only 15.0% of DSC dismissals at court appearance. Such variations do not necessarily translate into systemic concern; rather, they are noted here to point out how mild disparities in the data become noticeable once normalized for analysis. The mix of dispositions a defendant ultimately receives is also affected by individualized factors—prior compliance, insurance status, eligibility for diversion programs, and offense type—that are not captured in this analysis.

In the following chart, the proportions for Whites, Blacks, and Hispanics for all disposed cases, dispositions by court appearance, and three of the most common court-appearance dispositions are displayed. Thus, it is easier to see where data is proportionate as well as noticing those areas noted above that appear somewhat disproportionate.

Figure 2—Various Dispositions by Court Appearance Disaggregated by Race and Percent



Case Disposition by Appearance at Court Window

The second venue of disposition is that of appearance at the court window. These are cases where, rather than make a formal court appearance, defendants have opted to resolve their cases administratively through a court clerk at the window. Of the 4,055 cases disposed this year, 2,991 were disposed through appearance at the court window. Thus, 73.76% of all dispositions were done through appearance at the court window. The full distribution disaggregated by race is displayed in the table below.

Table 5—Disposition through Court Window (Counts)

Race	Cases Disposed	Total Cases w/ Window Appearance	CL — Closed/ Paid w/ Clerk	D2 — Dismissed DSC	3W — Compliance Dism. by Clerk	DA — Dismiss Def. Completed	DI — Dismiss had Insurance
White	1,805	1,406	659	204	99	441	3
Black	541	358	218	30	11	98	1
Hispanic	1,048	723	541	27	23	127	5
Asian	153	113	43	21	8	41	0
Middle Eastern	2	0	0	0	0	0	0
Native American	57	43	12	9	2	20	0
Unknown	449	348	336	0	0	12	0
Total	4,055	2,991	1,809	291	143	739	9

Of the 2,991 court window dispositions, the majority of them (1,809) were closed by the simple payment of fines (CL). Thus, 60.5% of court-window dispositions were closed by payment of a fine—almost identical to the 60.9% rate in 2024. Disaggregating that variable by race, 46.9% of White cases, 60.9% of Black cases, 74.8% of Hispanic cases, and 38.1% of Asian cases were closed by payment of a fine at the court window. Thus, Hispanics had the highest rate of fine payments at the window, followed by Blacks, Whites, and Asians, respectively. This pattern is consistent with what was observed in 2024.

The second most common disposition at the court window is dismissal by deferred completion (DA), which accounted for 739 total dispositions or 24.7% of all court-window dispositions. In that variable, there is some variation among the races, where 31.4% of White window cases, 27.4% of Black window cases, 36.3% of Asian window cases, and 46.5% of Native American window cases were dismissed by this method, but only 17.6% of Hispanic window cases were dismissed in this manner. When the two most common dispositions (paid fine and dismissed by deferred completion) are taken together, however, the higher representation of Hispanics in fine payments is partially offset by their lower representation in deferred completions. Collectively, these two methods of court-window dispositions indicate a relatively even racial treatment when viewed in aggregate.

Overall, the raw data on court-window-appearance dispositions seems relatively proportional when examined by each race. In the following table, the same data above is converted into percentages. As noted earlier, doing so normalizes the data and facilitates easier comparison among races.

Table 6—Disposition by Court Window Displayed in Percentages, by Race

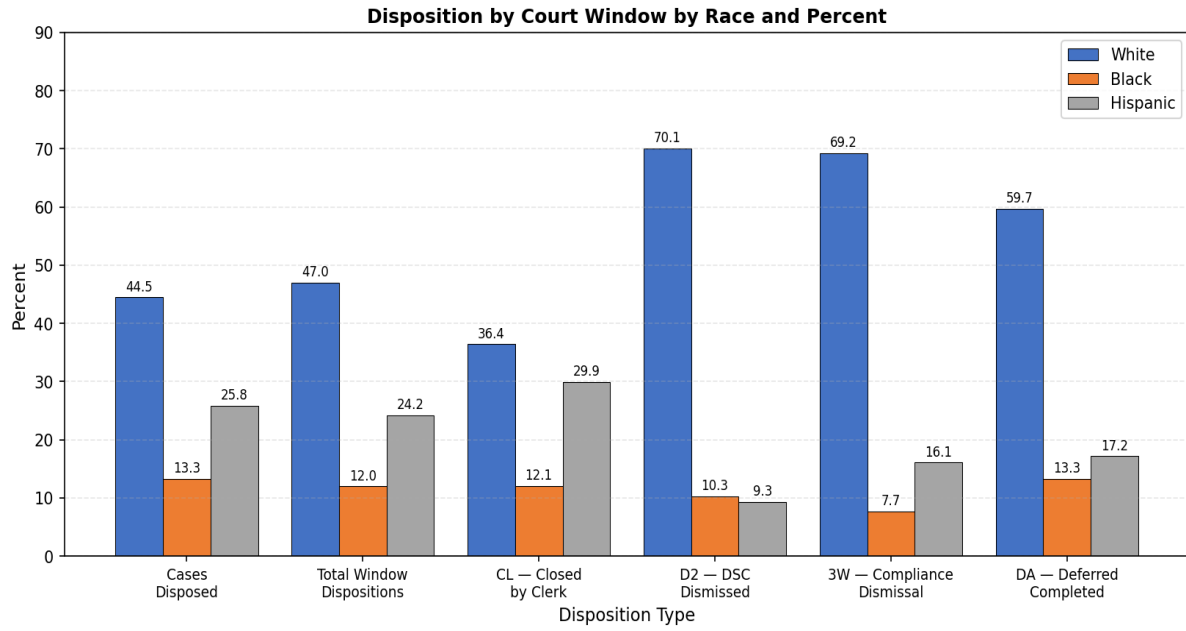
Race	% of Cases Disposed	% of Window Dispositions	% of CL (Closed/Paid)	% of D2 (DSC Dism.)	% of 3W (Compliance)	% of DA (Deferred)
White	44.5	47.0	36.4	70.1	69.2	59.7
Black	13.3	12.0	12.1	10.3	7.7	13.3
Hispanic	25.8	24.2	29.9	9.3	16.1	17.2
Asian	3.8	3.8	2.4	7.2	5.6	5.5
Middle Eastern	0.0	0.0	0.0	0.0	0.0	0.0
Native American	1.4	1.4	0.7	3.1	1.4	2.7
Unknown	11.1	11.6	18.6	0.0	0.0	1.6
Total	100	100	100	100	100	100

As with the earlier disposition data, here the data is normalized into percentages, making the comparison between races and disposition types easier to understand and, where needed, to discover any anomaly. In the first column, the overall case disposition distribution is displayed for each race. Then each subsequent column may be compared to the overall distribution to note where there are fluctuations in the rates.

As with court-appearance dispositions noted earlier, court-window dispositions of dismissal by Driver Safety Course (DSC) shows some disparity. At the court window, Whites accounted for 70.1% of D2 (DSC) dispositions, while Hispanics accounted for 9.3% of D2 dispositions. These figures indicate that Whites are overrepresented and Hispanics underrepresented in this variable relative to their share of overall dispositions (44.5% and 25.8%, respectively). However, as stated above, such a disparity does not necessarily translate into systemic concern. DSC eligibility is governed by external statutory criteria—including possession of a valid driver license, absence of a CDL during the offense, certain offense-type restrictions, and proof of insurance—rather than by the discretion of court personnel. The pattern observed here is consistent with the 2024 finding and reflects the same statutory eligibility framework.

The following chart displays both the proportions of overall dispositions and court-window dispositions, as well as the most common court-window dispositions.

Figure 3—Various Dispositions at Court Window Disaggregated by Race and Percent



Cases Outstanding Analysis

In this section, the outstanding cases, disaggregated by race, are analyzed. As of December 31, 2025, the municipal court reports a total of 6,225 cases that remain outstanding. This figure includes cases filed in 2025 as well as cases filed in prior years that have not yet been disposed. Here, the classifications by which cases remain outstanding are examined across racial distributions.

Table 7—Outstanding Cases at Year-End by Race (Top Categories)

Race	Total Outstanding	IA — Initial Appearance	MB — MVBA Collection	OM — Outstanding Omni	PC — Pending Collections	C2 — Continue for DSC	C3 — Continue for Plea	AP — Appeal
White	1,480	587	102	157	173	5	43	60
Black	2,051	989	206	236	268	10	67	14
Hispanic	1,985	915	149	257	292	3	71	32
Asian	96	37	4	12	3	1	0	9
Middle Eastern	11	0	0	1	10	0	0	0
Native American	35	18	2	1	4	0	2	2
Unknown	567	525	6	3	7	0	3	1
Total	6,225	3,071	469	667	757	19	186	118

Although there were over 6,000 outstanding cases, nearly 80% of all outstanding cases are accounted for by four classifications: Initial Appearance (IA), Pending Collections (PC), Outstanding Omni (OM), and MVBA Collection (MB). Together, these four classifications account for 4,964 of the 6,225 outstanding cases (79.7%). Since most of the other classifications for outstanding cases contain comparatively small samples, the discussion below focuses on these four primary classifications.

Among the Initial Appearance classification (3,071 cases), Whites accounted for 19.1%, Blacks 32.2%, Hispanics 29.8%, Asians 1.2%, Native Americans 0.6%, and Unknown 17.1%. Among the Pending Collections classification (757 cases), Whites accounted for 22.9%, Blacks 35.4%, and Hispanics 38.6%. Among the Outstanding Omni classification (667 cases), Whites accounted for 23.5%, Blacks 35.4%, and Hispanics 38.5%. Among the MVBA Collection classification (469 cases), Whites accounted for 21.7%, Blacks 43.9%, and Hispanics 31.8%.

These distributions, viewed against the overall distribution of cases filed in 2025 (Whites 42.8%, Blacks 15.6%, Hispanics 25.6%), show that Black and Hispanic defendants are overrepresented among outstanding cases—particularly in the IA and collection-related categories—while Whites are underrepresented. This pattern echoes a similar (though somewhat less pronounced) observation in 2024 and warrants the operational follow-up described in the next section.

Note on Outstanding Status Codes

The following status codes are used by Highland Park Municipal Court to classify outstanding cases. The descriptions are provided to support reader understanding of the classifications referenced in Table 7 above and the accompanying narrative.

PP — Payment Plan; **1P** — Deferred by Prosecutor; **1J** — Deferred by Judge; **1C** — Deferred by Defendant; **1W** — Deferred by Clerk; **2W** — DSC by Clerk; **2C** — DSC by Defendant; **2P** — DSC by Prosecutor; **2J** — DSC by Judge; **CS** — Community Service; **EA** — Pass for Appeal Bond; **EX** — Extension to Pay; **CA** — Continued Appearance; **CN** — Virtual Hearing; **C1** — Pass for Proof of Compliance; **C2** — Pass for Defensive Driving; **C3** — Pass for Disposition & Plea; **C4** — Pass for Deferred; **PH** — Preliminary Hearing; **PT** — Pre-Trial Hearing; **TR** — Bench Trial; **TM** — Essay Due; **IA** — Initial Appearance; **MB/PC** — Collections / Pending Collections; **SC** — Show Cause; **OM** — Outstanding Omni (sent to DPS to deny renewal of license).

Cases Filed in 2025 and Outstanding at Year-End

In response to a request for additional analysis on outstanding cases, the court provided a more granular review focused specifically on cases that were filed during 2025 and remain outstanding at year-end. This subset is distinct from the broader outstanding caseload analyzed in Section 3 (which includes cases filed in 2025 as well as cases filed in prior years). Of the 6,225 total outstanding cases at year-end 2025, 1,661 (26.7%) were filed during 2025; the remaining 4,564 were filed prior to 2025.

Table 8—Cases Filed in 2025 and Outstanding at Year-End, by Race

Race	Cases Filed in 2025 Outstanding at Year-End	% of Total Outstanding (2025- Filed)	% of Race's 2025 Filings Outstanding
White	549	33.1	27.0
Black	444	26.7	60.2
Hispanic	481	29.0	39.7
Asian	54	3.3	29.3
Middle Eastern	0	0.0	—
Native American	12	0.7	23.5
Unknown	121	7.3	23.0
Total	1,661	100	35.0

The third column above is particularly informative. It reports, for each racial group, the percentage of that group's 2025 filings that remain outstanding at year-end. Across all races, 35.0% of cases filed in 2025 remain outstanding at year-end, but this overall figure masks meaningful variation. Whites have the lowest year-end outstanding rate among the major racial groups (27.0%), while Blacks have the highest (60.2%). Hispanics fall between these (39.7%), and Asians (29.3%), Native Americans (23.5%), and Unknown (23.0%) are at the lower end. The Black year-end outstanding rate of 60.2% warrants particular attention and is examined further below.

Reason Breakdown for 2025 Cases Outstanding at Year-End

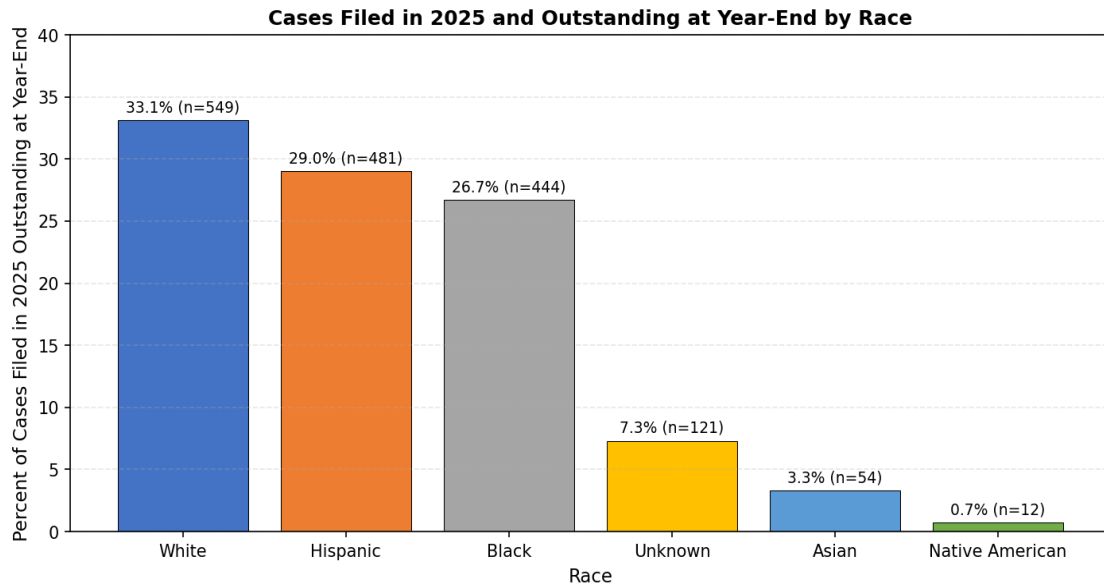
The court provided a reason-by-reason breakdown for each racial group's outstanding cases. The breakdown distinguishes between (a) cases where the defendant has made no attempt to call, mail, or email the court regarding the citation; (b) cases set to plea and/or pay; (c) cases pending probation dismissal and/or compliance dismissal; (d) cases set for trial; (e) cases on appeal; and (f) cases past due. This breakdown helps interpret the year-end outstanding rate by clarifying which outstanding cases represent active, monitored court processes versus which represent defendants who have not yet engaged with the court at all.

Race	Total Outstanding (2025-Filed)	No Contact with Court	Set to Plea/Pay	Pending Probation/ Compliance	Set for Trial	On Appeal	Past Due
White	549	222	69	197	0	48	13
Black	444	268	92	50	2	11	21
Hispanic	481	248	85	50	0	25	73
Asian	54	19	3	20	0	11	1
Native American	12	2	4	3	0	3	0
Unknown	121	109	5	4	1	1	1
Total	1,661	868	258	324	3	99	109

Table 9 reveals that the largest single reason for cases being outstanding at year-end is that the defendant has made no contact with the court—868 of 1,661 (52.3%). When focusing on this 'no contact' category by race, the rate within each group is: Whites 40.4% (222 of 549), Blacks 60.4% (268 of 444), Hispanics 51.6% (248 of 481), Asians 35.2% (19 of 54), Native Americans 16.7% (2 of 12), and Unknown 90.1% (109 of 121). The Unknown rate is unsurprising because Unknown cases are predominantly parking citations where no driver is on file at issuance and outreach therefore relies on owner-of-record correspondence.

The court reports that, in response to prior recommendations, court staff have used the Texas Department of Public Safety's TLETS program to update addresses and phone numbers of defendants whose mail had been returned due to bad addresses. Additional letters were then sent with information on options to handle outstanding citations. Court staff applied the updated information and sent notices and/or communication to defendants with outstanding offenses filed from January 2016 through December 2025. In accordance with the judge's standing order, a second courtesy letter, a pre-warrant letter, and a warrant were sent as needed. Defendants may also handle cases by email, online, or by submitting a request for a virtual hearing with the court if they are unable to appear in person. The court also continues to send courtesy letters to all defendants who do not appear within 20 days of the citation being issued or pay on the date given by the court, with phone or text reminders as additional outreach.

Figure 4—Cases Filed in 2025 and Outstanding at Year-End, by Race (Percent of 2025-Filed Outstanding Caseload)



Summary and Recommendations

The Town of Highland Park Municipal Court submitted a full year of raw data for analysis across four quarterly submissions. Four areas were reviewed—cases filed, case dispositions, outstanding cases overall, and outstanding cases for the subset filed during 2025. When analyzing the data, disaggregated by race, the court continues to operate with substantial proportionality at the cases-filed and cases-disposed levels. The patterns observed in 2024 generally persist in 2025: Whites represent the largest share of filings and dispositions, followed by Hispanics and Blacks, with Asian, Middle Eastern, Native American, and Unknown defendants accounting for smaller shares.

Where mild variations were noted at the disposition level—e.g., Whites somewhat overrepresented in DSC dismissals and Hispanics somewhat underrepresented—these are consistent with the 2024 pattern and are largely explained by external statutory eligibility criteria for diversion programs (such as license-class restrictions, offense-type restrictions, and insurance requirements) rather than by court-personnel discretion. None of the disposition variations rose to the level of evidence of inequitable treatment based on race.

Two areas, however, warrant continued operational attention. First, the proportion of dispositions made through court appearance versus court window varies by race: Black and Hispanic defendants are more likely to make disposition through a court appearance, while White and Asian defendants are more likely to dispose at the court window or by mail. Although this does not in itself indicate inequitable treatment by court actors, it suggests that defendants of different racial groups may be experiencing the court's procedural pathways differently. Continued attention to ensuring that all dispositional options (window, mail, virtual hearing, online) are equally accessible to all defendants—including through the existing courtesy-letter and TLETS-update processes—is recommended.

Second, and more substantively, the year-end outstanding-case analysis reveals a meaningful disparity in the rate at which 2025 filings remain outstanding at year-end: 27.0% for Whites, 39.7% for Hispanics, and 60.2% for Blacks. The dominant single driver of this disparity is the 'no contact with court' category. The court has already adopted appropriate operational responses—TLETS-based address verification, multi-stage courtesy and pre-warrant letters, virtual hearing options, and phone/text reminders—and these efforts are commended. The court is encouraged to continue tracking the racial breakdown of the no-contact subset over the next reporting cycle to determine whether the additional outreach efforts initiated in 2025 produce a measurable narrowing of the no-contact gap. If, after a full cycle of outreach, the disparity persists, additional targeted outreach (e.g., community-partner-based outreach, multilingual reminder content, or assessment of how citations are initially served) may be warranted.

On Recommendations Generally

Highland Park Municipal Court has continued to adhere to all of our previous recommendations. Specifically, the court is using simple, uniform racial identifiers in the software that produces the tables for analysis to keep nomenclature consistent across all tables. The court has also implemented a structured TLETS-based address-verification workflow and a graduated courtesy-letter, pre-warrant, and warrant outreach sequence in accordance with the judge's standing order, which together represent a substantial operational response to the prior cycle's outstanding-case observations. The court is to be commended for this effort. The recommendation for the next cycle is to continue these existing practices and to begin tracking, on an ongoing basis, the racial composition of the 'no-contact' outstanding subset specifically, so that the effectiveness of the outreach interventions can be evaluated over time.

In summary, the analysis of the 2025 data indicates that the Town of Highland Park Municipal Court continues to operate with fairness and equity among all races at the levels of cases filed and cases disposed. The remaining area of attention—year-end outstanding cases for Black and Hispanic defendants—is being actively addressed by the court's existing outreach protocols, and continued tracking is recommended to confirm operational effectiveness over time.

HIGHLAND PARK

DEPARTMENT OF PUBLIC SAFETY

2025 RACIAL PROFILING REPORT



DEL CARMEN
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LAW ENFORCEMENT EXPERTS



"Dr. Alex del Carmen's work on racial profiling exemplifies the very best of the Sandra Bland Act, named after my daughter. My daughter's pledge to fight for injustice is best represented in the high quality of Dr. del Carmen's reports which include, as required by law, the data analysis, audits, findings and recommendations. I commend the agencies that work with him as it is clear that they have embraced transparency and adherence to the law. "

-Quote by Geneva Reed (Mother of Sandra Bland)

January 7, 2026

Highland Park Town Council
4700 Drexel Dr.
Highland Park, TX 75205



Dear Distinguished Members of the Town Council,

The Texas Racial Profiling Law, originally enacted by the Texas Legislature in 2001, was designed to address concerns regarding racial profiling practices in law enforcement. Throughout the preceding calendar year, the Highland Park Department of Public Safety, in full compliance with statutory requirements, systematically collected and reported traffic and motor vehicle-related contact data for the express purpose of identifying, evaluating, and addressing any potential concerns regarding racial profiling practices within the department.

Since its initial enactment, the Texas Racial Profiling Law has undergone significant legislative modifications. During the 2009 legislative session, the law was amended to incorporate additional data collection and reporting requirements. Subsequently, in 2017, the Texas Legislature passed two landmark pieces of legislation: House Bill 3051, which standardized racial and ethnic classification categories, and the Sandra Bland Act (Senate Bill 1849), which substantially expanded data collection mandates and analytical requirements. The Sandra Bland Act represents the most comprehensive legislative framework in Texas history pertaining to law enforcement contact data requirements. I am pleased to confirm that the Highland Park Department of Public Safety has satisfied all statutory requirements, and the documentation contained herein demonstrates full compliance with these legislative mandates.

This annual report is organized into distinct sections, each addressing specific components of the compliance framework. Section One contains the table of contents, providing navigational guidance throughout the document. Section Two presents documentation demonstrating the Highland Park Department of Public Safety's compliance with the procedural requirements established under the Texas Racial Profiling Law, including evidence of mandatory training protocols for all sworn personnel on racial profiling prevention, as well as the institutionalization of formal compliment and complaint processes as required by statute.

Section Three contains comprehensive statistical data pertaining to motor vehicle-related contacts, as defined by applicable law, occurring between January 1, 2025, and December 31, 2025. This section includes the Tier 2 reporting form, which must be submitted to the Texas Commission on Law Enforcement (TCOLE) and the local governing authority by March 1 of each calendar year. All data presented in this report was compared against the Fair Roads Standard, a baseline measure derived from U.S. Census Bureau data. The analytical findings and corresponding recommendations are presented in detail within this section.

The final section of this report contains reference materials, including the original text of Senate Bill 1074 (the Texas Racial Profiling Law) and the Sandra Bland Act (current governing law). Additionally, this section includes a comprehensive listing of compliance requirements established by TCOLE. The findings documented in this report substantiate the Highland Park Department of Public Safety's ongoing commitment to full compliance with the Texas Racial Profiling Law and its commitment to constitutional policing practices.

Respectfully submitted,

Alex del Carmen, Ph.D.
Criminologist

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Informing the Public on the Process of Filing a Compliment or Complaint with the Highland Park Department of Public Safety

The Texas Racial Profiling Law requires that police agencies provide information to the public regarding the manner in which to file a compliment or racial profiling complaint. In an effort to comply with this particular component, the Highland Park Department of Public Safety launched an educational campaign aimed at informing the public on issues relevant to the racial profiling complaint process.

The police department made available, in the lobby area and on its web site, information relevant to filing a compliment and complaint on a racial profiling violation by a Highland Park Department of Public Safety Police Officer. In addition, each time an officer issues a citation, ticket or warning, information on how to file a compliment or complaint is given to the individual cited. This information is in the form of a web address (including in the document issued to the citizen), which has instructions and details specifics related to the compliment or complaint processes.

It is believed that through these efforts, the community has been properly informed of the new policies and the complaint processes relevant to racial profiling.

All Highland Park Department of Public Safety Police Officers have been instructed, as specified in the Texas Racial Profiling Law, to adhere to all Texas Commission on Law Enforcement (TCOLE) training and the Law Enforcement Management Institute of Texas (LEMIT) requirements. To date, all sworn officers of the Highland Park Department of Public Safety have completed the TCOLE basic training on racial profiling. The main outline used to train the officers of Highland Park Department of Public Safety has been included in this report.

It is important to recognize that the Chief of the Highland Park Department of Public Safety has also met the training requirements, as specified by the Texas Racial Profiling Law, in the completion of the LEMIT program on racial profiling. The satisfactory completion of the racial profiling training by the sworn personnel of the Highland Park Department of Public Safety fulfills the training requirement as specified in the Education Code (96.641) of the Texas Racial Profiling Law.



Racial Profiling 3256

Instructor's Note:

You may wish to teach this course in conjunction with Asset Forfeiture 3255 because of the related subject matter and applicability of the courses. If this course is taught in conjunction with Asset Forfeiture, you may report it under Combined Profiling and Forfeiture 3257 to reduce data entry.

Abstract

This instructor guide is designed to meet the educational requirement for racial profiling established by legislative mandate: 77R-SB1074.

Target Population: Licensed law enforcement personnel in Texas

Prerequisites: Experience as a law enforcement officer

Length of Course: A suggested instructional time of 4 hours

Material Requirements: Overhead projector, chalkboard and/or flip charts, video tape player, handouts, practical exercises, and demonstrations

Instructor Qualifications: Instructors should be very knowledgeable about traffic stop procedures and law enforcement issues

Evaluation Process and Procedures

An examination should be given. The instructor may decide upon the nature and content of the examination. It must, however, sufficiently demonstrate the mastery of the subject content by the student.

Reference Materials

Reference materials are located at the end of the course. An electronic copy of this instructor guide may be downloaded from our web site at <http://www.tcleose.state.tx.us>.

Racial Profiling 3256

1.0 RACIAL PROFILING AND THE LAW

1.1 UNIT GOAL: The student will be able to identify the legal aspects of racial profiling.

1.1.1 LEARNING OBJECTIVE: The student will be able to identify the legislative requirements placed upon peace officers and law enforcement agencies regarding racial profiling.

Racial Profiling Requirements:

Racial profiling CCP 3.05

Racial profiling prohibited CCP 2.131

Law enforcement policy on racial profiling CCP 2.132

Reports required for traffic and pedestrian stops CCP 2.133

Liability CCP 2.136

Racial profiling education for police chiefs Education Code 96.641

Training program Occupations Code 1701.253

Training required for intermediate certificate Occupations Code 1701.402

Definition of "race or ethnicity" for form Transportation Code 543.202

A. Written departmental policies

1. Definition of what constitutes racial profiling
2. Prohibition of racial profiling
3. Complaint process
4. Public education
5. Corrective action
6. Collection of traffic-stop statistics
7. Annual reports

B. Not prima facie evidence

C. Feasibility of use of video equipment

D. Data does not identify officer

E. Copy of complaint-related video evidence to officer in question

F. Vehicle stop report

1. Physical description of detainees: gender, race or ethnicity
2. Alleged violation
3. Consent to search
4. Contraband
5. Facts supporting probable cause
6. Arrest
7. Warning or citation issued

G. Compilation and analysis of data

H. Exemption from reporting – audio/video equipment

I. Officer non-liability

J. Funding

K. Required training in racial profiling

1. Police chiefs
2. All holders of intermediate certificates and/or two-year-old licenses as of 09/01/2001 (training to be completed no later than 09/01/2003) – see legislation 77R-SB1074

1.1.2 LEARNING OBJECTIVE: The student will become familiar with Supreme Court decisions and other court decisions involving appropriate actions in traffic stops.

A. Whren v. United States, 517 U.S. 806, 116 S.Ct. 1769 (1996)

1. Motor vehicle search exemption
2. Traffic violation acceptable as pretext for further investigation
3. Selective enforcement can be challenged

B. Terry v. Ohio, 392 U.S. 1, 88 S.Ct. 1868 (1968)

1. Stop & Frisk doctrine
2. Stopping and briefly detaining a person
3. Frisk and pat down

C. Other cases

1. Pennsylvania v. Mimms, 434 U.S. 106, 98 S.Ct. 330 (1977)
2. Maryland v. Wilson, 117 S.Ct. 882 (1997)
3. Graham v. State, 119 MdApp 444, 705 A.2d 82 (1998)
4. Pryor v. State, 122 Md.App. 671 (1997) cert. denied 352 Md. 312, 721 A.2d 990 (1998)
5. Ferris v. State, 355 Md. 356, 735 A.2d 491 (1999)
6. New York v. Belton, 453 U.S. 454 (1981)

2.0 RACIAL PROFILING AND THE COMMUNITY

2.1 UNIT GOAL: The student will be able to identify logical and social arguments against racial profiling.

2.1.1 LEARNING OBJECTIVE: The student will be able to identify logical and social arguments against racial profiling.

A. There are appropriate reasons for unusual traffic stops (suspicious behavior, the officer's intuition, MOs, etc.), but police work must stop short of cultural stereotyping and racism.

B. Racial profiling would result in criminal arrests, but only because it would target all members of a race randomly – the minor benefits would be far outweighed by the distrust and anger towards law enforcement by minorities and the public as a whole.

C. Racial profiling is self-fulfilling bad logic: if you believed that minorities committed more crimes, then you might look for more minority criminals, and find them in disproportionate numbers.

D. Inappropriate traffic stops generate suspicion and antagonism towards officers and make future stops more volatile – a racially-based stop today can throw suspicion on tomorrow's legitimate stop.

E. By focusing on race, you would not only be harassing innocent citizens, but overlooking criminals of all races and backgrounds – it is a waste of law enforcement resources.

3.0 RACIAL PROFILING VERSUS REASONABLE SUSPICION

3.1 UNIT GOAL: The student will be able to identify the elements of both inappropriate and appropriate traffic stops.

3.1.1 LEARNING OBJECTIVE: The student will be able to identify elements of a racially motivated traffic stop.

A. Most race-based complaints come from vehicle stops, often since race is used as an inappropriate substitute for drug courier profile elements

B. "DWB" – "Driving While Black" – a nickname for the public perception that a Black person may be stopped solely because of their race (especially with the suspicion that they are a drug courier), often extended to other minority groups or activities as well ("Driving While Brown," "Flying While Black," etc.)

C. A typical traffic stop resulting from racial profiling

1. The vehicle is stopped on the basis of a minor or contrived traffic violation which is used as a pretext for closer inspection of the vehicle, driver, and passengers
2. The driver and passengers are questioned about things that do not relate to the traffic violation
3. The driver and passengers are ordered out of the vehicle
4. The officers visually check all observable parts of the vehicle
5. The officers proceed on the assumption that drug courier work is involved by detaining the driver and passengers by the roadside
6. The driver is asked to consent to a vehicle search – if the driver refuses, the officers use other procedures (waiting on a canine unit, criminal record checks, license-plate checks, etc.), and intimidate the driver (with the threat of detaining him/her, obtaining a warrant, etc.)



3.1.2 LEARNING OBJECTIVE: The student will be able to identify elements of a traffic stop which would constitute reasonable suspicion of drug courier activity.

A. Drug courier profile (adapted from a profile developed by the DEA)

1. Driver is nervous or anxious beyond the ordinary anxiety and cultural communication styles
2. Signs of long-term driving (driver is unshaven, has empty food containers, etc.)
3. Vehicle is rented
4. Driver is a young male, 20-35
5. No visible luggage, even though driver is traveling
6. Driver was over-reckless or over-cautious in driving and responding to signals
7. Use of air fresheners

B. Drug courier activity indicators by themselves are usually not sufficient to justify a stop

3.1.3 LEARNING OBJECTIVE: The student will be able to identify elements of a traffic stop which could constitute reasonable suspicion of criminal activity.

A. Thinking about the totality of circumstances in a vehicle stop

B. Vehicle exterior

1. Non-standard repainting (esp. on a new vehicle)
2. Signs of hidden cargo (heavy weight in trunk, windows do not roll down, etc.)
3. Unusual license plate suggesting a switch (dirty plate, bugs on back plate, etc.)
4. Unusual circumstances (pulling a camper at night, kids' bikes with no kids, etc.)

C. Pre-stop indicators

1. Not consistent with traffic flow
2. Driver is overly cautious, or driver/passengers repeatedly look at police car
3. Driver begins using a car- or cell-phone when signaled to stop
4. Unusual pull-over behavior (ignores signals, hesitates, pulls onto new street, moves objects in car, etc.)

D. Vehicle interior

1. Rear seat or interior panels have been opened, there are tools or spare tire, etc.
2. Inconsistent items (anti-theft club with a rental, unexpected luggage, etc.)

Resources

Proactive Field Stops Training Unit – Instructor's Guide, Maryland Police and Correctional Training Commissions, 2001. (See Appendix A.)

Web address for legislation 77R-SB1074



Report on Complaints

The following table contains data regarding officers that have been the subject of a complaint, during the time period of 1/1/25-12/31/25 based on allegations outlining possible violations related to the Texas Racial Profiling Law. The final disposition of the case is also included.

☐

A check above indicates that the Highland Park Department of Public Safety has not received any complaints, on any members of its police services, for having violated the Texas Racial Profiling Law during the time period of 1/1/25-12/31/25.

Complaints Filed for Possible Violations of The Texas Racial Profiling Law

Complaint Number	Alleged Violation	Disposition of the Case
1	Racial Profiling	Unsubstantiated
2	Racial Profiling	Unsubstantiated

Additional Comments:

Tables Illustrating Motor Vehicle-Related Contacts

TIER 2 DATA

TOTAL STOPS: 7,748

STREET ADDRESS OR APPROXIMATE LOCATION OF STOP.

City Street	7,728
US Highway	1
State Highway	0
County Road	6
Private Property	13

WAS RACE OR ETHNICITY KNOWN PRIOR TO STOP?

Yes	182
No	7,566

RACE OR ETHNICITY

Alaska Native/American Indian	162
Asian/Pacific Islander	370
Black	1,432
White	4,085
Hispanic/Latino	1,699

GENDER

Female Total: 2,815

Alaska Native/American Indian	39
Asian/Pacific Islander	122
Black	458
White	1,762
Hispanic/Latino	434

Male Total: 4,933

Alaska Native/American Indian	123
Asian/Pacific Islander	248
Black	974
White	2,323
Hispanic/Latino	1,265

REASON FOR STOP?

Violation of Law Total: 925

Alaska Native/American Indian	16
Asian/Pacific Islander	34
Black	206
White	394
Hispanic/Latino	275

Pre-existing Knowledge Total: 154

Alaska Native/American Indian	3
Asian/Pacific Islander	5
Black	57
White	35
Hispanic/Latino	54

Moving Traffic Violation Total: 5,002

Alaska Native/American Indian	113
Asian/Pacific Islander	274
Black	805
White	2,894
Hispanic/Latino	916

TIER 2 DATA

Vehicle Traffic Violation Total: 1,667

Alaska Native/American Indian	30
Asian/Pacific Islander	57
Black	364
White	762
Hispanic/Latino	454

Contraband (in plain view) Total: 0

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	0
White	0
Hispanic/Latino	0

WAS SEARCH CONDUCTED?

	YES	NO
Alaska Native/American Indian	0	162
Asian/Pacific Islander	2	368
Black	131	1,301
White	51	4,034
Hispanic/Latino	124	1,575
TOTAL	308	7,440

Probable Cause Total: 120

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	69
White	14
Hispanic/Latino	37

Inventory Total: 139

Alaska Native/American Indian	0
Asian/Pacific Islander	1
Black	48
White	24
Hispanic/Latino	66

REASON FOR SEARCH?

Consent Total: 17

Alaska Native/American Indian	0
Asian/Pacific Islander	1
Black	3
White	3
Hispanic/Latino	10

Incident to Arrest Total: 32

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	11
White	10
Hispanic/Latino	11

TIER 2 DATA

WAS CONTRABAND DISCOVERED?

	YES	NO
Alaska Native/American Indian	0	0
Asian/Pacific Islander	0	2
Black	48	83
White	18	33
Hispanic/Latino	36	88
TOTAL	102	206

Did the finding result in arrest?

	YES	NO
Alaska Native/American Indian	0	0
Asian/Pacific Islander	0	0
Black	4	44
White	0	18
Hispanic/Latino	4	32
TOTAL	8	94

DESCRIPTION OF CONTRABAND

Drugs Total: 82

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	43
White	10
Hispanic/Latino	29

Currency Total: 1

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	0
White	0
Hispanic/Latino	1

Weapons Total: 10

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	6
White	2
Hispanic/Latino	2

Alcohol Total: 11

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	3
White	3
Hispanic/Latino	5

Stolen Property Total: 2

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	0
White	1
Hispanic/Latino	1

Other Total: 10

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	3
White	4
Hispanic/Latino	3

RESULT OF THE STOP**Verbal Warning Total: 4,455**

Alaska Native/American Indian	111
Asian/Pacific Islander	207
Black	910
White	2,321
Hispanic/Latino	906

Written Warning Total: 109

Alaska Native/American Indian	3
Asian/Pacific Islander	3
Black	22
White	63
Hispanic/Latino	18

Citation Total: 3,138

Alaska Native/American Indian	48
Asian/Pacific Islander	160
Black	480
White	1,689
Hispanic/Latino	761

Written Warning and Arrest Total: 0

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	0
White	0
Hispanic/Latino	0

Citation and Arrest Total: 18

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	6
White	3
Hispanic/Latino	9

Arrest Total: 28

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	14
White	9
Hispanic/Latino	5

TIER 2 DATA

ARREST BASED ON

Violation of Penal Code Total: 22

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	6
White	9
Hispanic/Latino	7

Violation of Traffic Law Total: 1

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	0
White	0
Hispanic/Latino	1

Violation of City Ordinance Total: 1

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	0
White	0
Hispanic/Latino	1

Outstanding Warrant Total: 22

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	14
White	3
Hispanic/Latino	5

Was physical force used resulting in bodily injury during the stop?

	YES	NO
Alaska Native/American Indian	0	162
Asian/Pacific Islander	0	370
Black	2	1,430
White	2	4,083
Hispanic/Latino	1	1,698
TOTAL	5	7,743



Table 1. Citations and Warnings

Race/ Ethnicity	All Contacts	Citations	Verbal Warning	Written Warning	Contact Percent	Citation Percent	Verbal Percent	Written Percent
Alaska Native/ American Indian	162	48	111	3	2%	2%	2%	3%
Asian/ Pacific Islander	370	160	207	3	5%	5%	5%	3%
Black	1,432	486	910	22	18%	15%	20%	20%
White	4,085	1,692	2,321	63	53%	54%	52%	58%
Hispanic/ Latino	1,699	770	906	18	22%	24%	20%	17%
TOTAL	7,748	3,156	4,455	109	100%	100%	100%	100%



Table 2. Motor Vehicle Contacts and Fair Roads Standard Comparison

Comparison of motor vehicle-related contacts with households that have vehicle access.

Race/Ethnicity	Contact Percentage	Households with Vehicle Access
Alaska Native/American Indian	2%	0%
Asian/Pacific Islander	5%	5%
Black	18%	14%
White	53%	60%
Hispanic/Latino	22%	19%
TOTAL	100%	98%

Table 3. Motor Vehicle Searches and Arrests.

Race/Ethnicity	Searches	Consent Searches	Arrests
Alaska Native/American Indian	0	0	0
Asian/Pacific Islander	2	1	0
Black	131	3	20
White	51	3	12
Hispanic/Latino	124	10	14
TOTAL	308	17	46

Table 4. Instances Where Peace Officers Used Physical Force Resulting in Bodily Injury

Instances Where Peace Officers Used Physical Force that Resulted in Bodily Injury	Arrest	Location of Stop	Reason for Stop
1	04/26/25	3900 Miramar Ave	Traffic Violation
2	08/14/25	4100 Mockingbird Ln	Traffic Violation
3	09/12/25	4101 Beverly Dr	Traffic Violation
4	11/17/25	4200 Bowser Ave	Traffic Violation
5	12/07/25	4800 Abbott Ave	Stolen Vehicle

Table 5. Search Data

Race/ Ethnicity	Searches	Contraband Found Yes	Contraband Found No	Arrests	Percent Searches	Percent Contraband Found	Percent No Contraband	Percent Arrest
Alaska Native/ American Indian	0	0	0	0	0%	0%	0%	0%
Asian/ Pacific Islander	2	0	2	0	1%	0%	1%	0%
Black	131	48	83	20	43%	47%	40%	43%
White	51	18	33	12	17%	18%	16%	26%
Hispanic/ Latino	124	36	88	14	40%	35%	43%	30%
TOTAL	308	102	206	46	100%	100%	100%	100%

Table 6. Report on Audits.

The following table contains data regarding the number and outcome of required data audits during the period of 1/1/25-12/31/25.

Audit Data	Number of Data Audits Completed	Date of Completion	Outcome of Audit
1	1	03/01/25	Data was valid and reliable
2	1	06/01/25	Data was valid and reliable
3	1	09/01/25	Data was valid and reliable
4	1	12/01/25	Data was valid and reliable

ADDITIONAL COMMENTS:

Table 7. Instance Where Force Resulted in Bodily Injury.

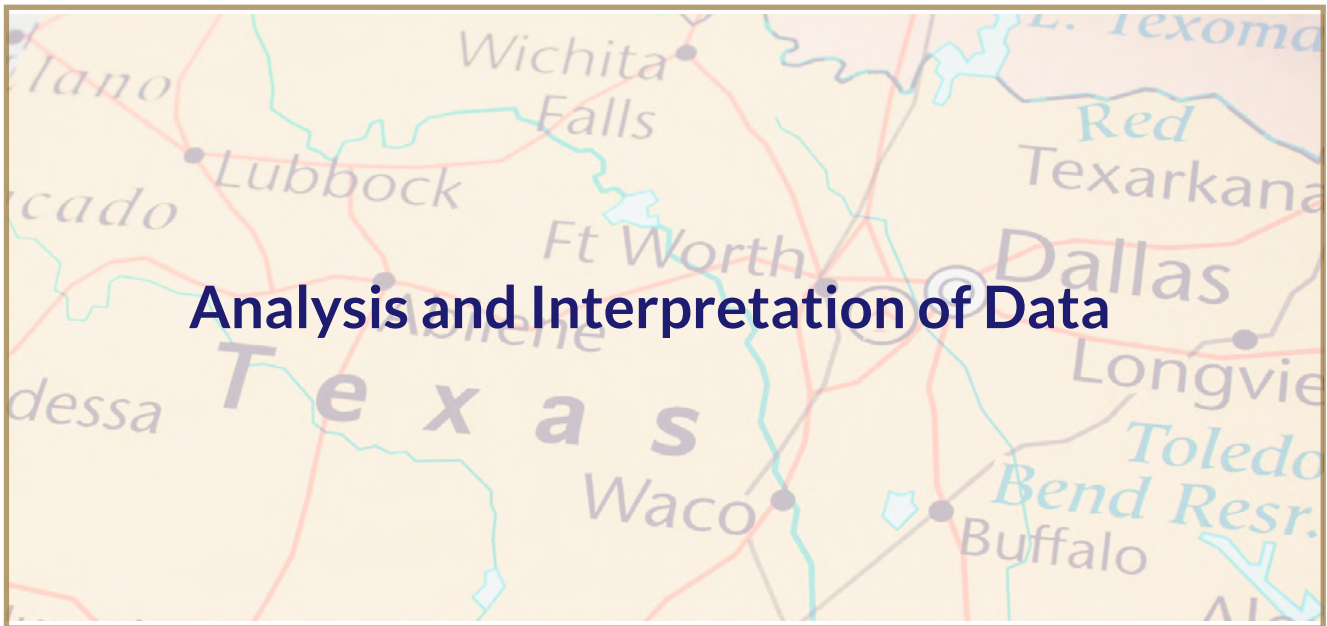
Race/Ethnicity	Number	Percent
Alaska Native/American Indian	0	0%
Asian/Pacific Islander	0	0%
Black	2	40%
White	2	40%
Hispanic/Latino	1	20%
TOTAL	5	100%

Table 8. Reason for Arrests from Vehicle Contact

Race/ Ethnicity	Violation of Penal Code	Violation of Traffic Law	Violation of City Ordinance	Outstanding Warrant	Percent Penal Code	Percent Traffic Law	Percent City Ordinance	Percent Warrant
Alaska Native/ American Indian	0	0	0	0	0%	0%	0%	0%
Asian/Pacific Islander	0	0	0	0	0%	0%	0%	0%
Black	6	0	0	14	27%	0%	0%	64%
White	9	0	0	3	41%	0%	0%	14%
Hispanic/ Latino	7	1	1	5	32%	100%	100%	23%
TOTAL	22	1	1	22	100%	100%	100%	100%

Table 9. Contraband Hit Rate

Race/ Ethnicity	Searches	Contraband Found Yes	Contraband Hit Rate	Search Percent	Contraband Percent
Alaska Native/ American Indian	0	0	0%	0%	0%
Asian/ Pacific Islander	2	0	0%	1%	0%
Black	131	48	37%	43%	47%
White	51	18	35%	17%	18%
Hispanic/Latino	124	36	29%	40%	35%



Legislative Background and Statutory Framework

In 2001, the Texas Legislature enacted Senate Bill 1074, establishing the Texas Racial Profiling Law. This legislation became effective on January 1, 2002, and required all law enforcement agencies in Texas to collect traffic-related contact data and submit annual reports to their respective local governing authorities by March 1 of each calendar year. The original statutory framework remained substantially unchanged until 2009, when the Texas Legislature passed House Bill 3389, introducing significant amendments to the data collection and reporting requirements.

The 2009 legislative amendments, which took effect on January 1, 2010, expanded the definition of reportable contacts to include all motor vehicle-related encounters resulting in the issuance of a citation or custodial arrest. Additionally, the amended statute required law enforcement officers to document whether they possessed knowledge of the individual's race or ethnicity prior to initiating the detention. The 2009 legislation also mandated the inclusion of "Middle Eastern" as a distinct racial and ethnic classification category and established TCOLE as the central repository for annual data submissions.

In 2017, the Texas Legislature enacted two significant pieces of legislation affecting racial profiling data collection requirements. House Bill 3051 eliminated the Middle Eastern classification category and standardized racial and ethnic designations to align with federal reporting standards. Concurrently, the Sandra Bland Act (Senate Bill 1849) was passed and signed into law, representing the most comprehensive legislative mandate in Texas history regarding law enforcement contact data requirements. The Sandra Bland Act, which became effective on January 1, 2018, not only expanded data collection requirements but also mandated detailed analytical assessments addressing the following statutory elements:

1. *A comparative analysis of compiled information pursuant to Article 2.133, including:*
 - a. *Evaluation and comparison of motor vehicle stops within the applicable jurisdiction between persons recognized as racial or ethnic minorities and persons not recognized as racial or ethnic minorities;*
 - b. *Examination of the disposition of motor vehicle stops conducted by agency personnel, categorized according to the race or ethnicity of affected persons, including any searches resulting from stops within the applicable jurisdiction;*
 - c. *Evaluation and comparison of searches resulting from motor vehicle stops within the applicable jurisdiction and documentation of whether contraband or other evidence was discovered during the course of such searches.*
2. *Documentation of all complaints filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.*

Analytical Methodology and Baseline Considerations

In accordance with the Texas Racial Profiling Law and Sandra Bland Act requirements, the Highland Park Department of Public Safety commissioned an independent analysis of its 2025 motor vehicle contact data. The analytical framework employed in this study incorporated two distinct methodological approaches. The primary analysis involved a comprehensive evaluation of all motor vehicle-related contact data collected during the 2025 reporting period. This analysis measured, as required by statute, the number and percentage of contacts involving individuals classified as White, Black, Hispanic or Latino, Asian and Pacific Islander, and Alaska Native and American Indian, who encountered law enforcement during motor vehicle-related contacts resulting in the issuance of citations, warnings, or custodial arrests.

The Tier 2 data analysis encompassed multiple variables including, but not limited to: the number and percentage of contacts by race and ethnicity; gender distribution; documented reason for the stop; geographic location of the encounter; search activity including search type classification; outcome of the contact; legal basis for any resulting arrest; and any use of physical force resulting in bodily injury. This comprehensive data collection framework enables a thorough assessment of departmental practices and facilitates identification of any patterns warranting further examination.

The analytical framework employed in this report utilized a comparative methodology that assessed 2025 motor vehicle contact data against an established demographic baseline. It should be noted that considerable scholarly debate exists regarding the appropriate baseline measure for analyzing motor vehicle-related contact data. Among available baseline measures, the Highland Park Department of Public Safety accepted the recommendation to employ the Fair Roads Standard as the primary comparative benchmark. This particular baseline is derived from U.S. Census Bureau data (2020) pertaining to the number of households with vehicle access, controlled for the race and ethnicity of heads of households.

It is important to acknowledge the methodological limitations inherent in utilizing census-derived baseline data for racial profiling analysis. Census data encompasses all residents within a given jurisdiction, regardless of their status within the driving population. Furthermore, census data captures information exclusively pertaining to municipal residents, thereby excluding individuals who may have encountered the Highland Park Department of Public Safety during the reporting period but reside outside jurisdictional boundaries. In certain municipalities, contacts with non-residents constitute a substantial proportion of all motor vehicle-related encounters recorded during any given reporting period.

In 2002, prominent civil rights organizations in Texas advocated for the adoption of the Fair Roads Standard as the preferred baseline measure for all law enforcement agencies conducting racial profiling analyses. These standard compares census data specific to "households" with vehicle access against "contacts," which represent individual-level counts. This methodological approach introduces the potential for ecological fallacy, as household-level data is being compared with individual-level contact data. Notwithstanding these limitations, the Highland Park Department of Public Safety elected to employ this comparison methodology to demonstrate institutional commitment to transparency and community accountability. The Fair Roads Standard data utilized in this analysis is specific to the jurisdiction of the Dallas Fort-Worth (DFW) Metroplex.

Tier 2 Motor Vehicle-Related Contact Analysis (2025)

Examination of the enhanced Tier 2 data collected during the 2025 reporting period reveals distinct patterns in motor vehicle-related contacts. The demographic distribution of contacts indicates that the majority of motor vehicle-related encounters involved White individuals, followed by Hispanic individuals. Among all individuals contacted by law enforcement, the greatest number of citations were issued to White and Hispanic individuals, followed by Black individuals. With respect to written warnings, the majority were issued to White individuals, with Black individuals representing the second largest recipient group.

Analysis of search and arrest data reveals that the majority of searches were conducted involving Black individuals. When examining search methodology, the greatest number of consent searches involved Hispanic individuals. The majority of custodial arrests involved Black individuals. Overall, the preponderance of searches did not result in the discovery of contraband. Among searches that yielded contraband, the majority involved Black individuals, followed by Hispanic individuals. Among searches that did not produce contraband, the majority involved Hispanic individuals.

Arrest data indicates that the majority of custodial arrests involved Black individuals. Among arrests originating from alleged violations of the Texas Penal Code, the majority involved White individuals. With respect to use of force, the department reports five instances where physical force was used resulting in bodily injury during the reporting period.

Comparative Analysis

A comprehensive comparative analysis was conducted examining 2025 motor vehicle contact data against census data pertaining to households within DFW that reported vehicle access in the 2020 Census. This analysis produced the following findings:

The percentage of White and Asian individuals who came into contact with law enforcement was equal to or lower than the percentage of White and Asian households within DFW that reported vehicle access in the most recent census enumeration. Conversely, the data revealed that a higher percentage of Black, Hispanic, and American Indian individuals came into contact with law enforcement compared to the percentage of Black, Hispanic, and American Indian households that reported vehicle access. It should be noted that the percentage differential for American Indian contacts relative to household representation is 2%, which may be considered statistically insignificant depending upon the analytical threshold employed.

The contraband discovery rate analysis reveals that among all searches conducted during the 2025 reporting period, Black individuals demonstrated the highest contraband hit rate, followed by White and Hispanic individuals respectively. This indicates that among all searches performed, the highest percentage of searches resulting in contraband discovery involved Black individuals. The lowest contraband discovery rate was observed among Asian individuals.

Summary of Findings

As mandated by the current Texas Racial Profiling Law, law enforcement agencies are required to conduct data audits to validate the accuracy and reliability of reported data. In compliance with this requirement, the Highland Park Department of Public Safety engaged Del Carmen Consulting, LLC to perform independent data audits consistent with normative statistical practices and methodological standards. As documented in the accompanying audit report, the validation process confirms that the data submitted is both valid and reliable.

Furthermore, as required by statute, this report includes a comprehensive analysis of search activity, including documentation of whether contraband was discovered as a result of searches while controlling for the race and ethnicity of searched individuals. The search analysis demonstrates that the Highland Park Department of Public Safety is engaging in search practices consistent with prevailing national trends in law enforcement and does not reveal patterns indicative of discriminatory practices.

Based upon the analytical findings presented in this report, the following recommendations are offered to ensure continued compliance and institutional best practices:

1. Continue to collect and evaluate supplementary motor vehicle contact data elements, including but not limited to documented bases for probable cause searches and detailed contraband classification, which may prove valuable in assessing the nature and circumstances of law enforcement contacts with all individuals.
2. Commission an independent analysis of contact and search data during the upcoming reporting period to maintain analytical continuity and identify any emerging trends.
3. Continue to commission periodic data audits to ensure data integrity and verify that collected data is consistent with reported data, thereby maintaining the validity and reliability of all submissions.

Conclusion

The comprehensive data analysis presented in this report serves as documented evidence that the Highland Park Department of Public Safety has achieved full compliance with the Texas Racial Profiling Law and all associated statutory requirements. This report demonstrates that the department has:

- Implemented and maintains a comprehensive racial profiling policy in accordance with statutory requirements;
- Established and publicized procedures for members of the public to file compliments or complaints regarding officer conduct;
- Commissioned periodic data audits to ensure the validity and reliability of all collected and reported data;
- Collected and commissioned independent analysis of all required Tier 2 data elements; and
- Ensured that the practice of racial profiling is expressly prohibited and will not be accepted or tolerated within the organization.

The Highland Park Department of Public Safety remains committed to constitutional policing practices, equitable treatment of all individuals, and continued compliance with all applicable state and federal requirements pertaining to racial profiling prevention and reporting.

APPENDICES

[This section should include the following reference materials:]

- ✓ Original text of Senate Bill 1074 (Texas Racial Profiling Law)
- ✓ Sandra Bland Act (Senate Bill 1849) - Current governing law
- ✓ TCOLE compliance requirements and guidelines
- ✓ Agency racial profiling policy documentation
- ✓ Training documentation and certifications
- ✓ Complaint and compliment procedure documentation
- ✓ Data audit methodology and validation results
- ✓ Tier 2 data collection forms and submission confirmation



LEGISLATIVE & ADMINISTRATIVE

TCOLE GUIDELINES

Guidelines for Compiling and Reporting Data under Senate Bill 1074

Background

Senate Bill 1074 of the 77th Legislature established requirements in the Texas Code of Criminal Procedure (TCCP) for law enforcement agencies. The Commission developed this document to assist agencies in complying with the statutory requirements.

The guidelines are written in the form of standards using a style developed from accreditation organizations including the Commission on Accreditation for Law Enforcement Agencies (CALEA). The standards provide a description of **what** must be accomplished by an agency but allows wide latitude in determining **how** the agency will achieve compliance with each applicable standard.

Each standard is composed of two parts: the standard statement and the commentary. The *standard statement* is a declarative sentence that places a clear-cut requirement, or multiple requirements, on an agency. The commentary supports the standard statement but is not binding. The commentary can serve as a prompt, as guidance to clarify the intent of the standard, or as an example of one possible way to comply with the standard.

Standard 1

Each law enforcement agency has a detailed written directive that:

- clearly defines acts that constitute racial profiling;
- strictly prohibits peace officers employed by the agency from engaging in racial profiling;
- implements a process by which an individual may file a complaint with the agency if the individual believes a peace officer employed by the agency has engaged in racial profiling with respect to the individual filing the complaint;
- provides for public education relating to the complaint process;
- requires appropriate corrective action to be taken against a peace officer employed by the agency who, after investigation, is shown to have engaged in racial profiling in violation of the agency's written racial profiling policy; and
- requires the collection of certain types of data for subsequent reporting.

Commentary

Article 2.131 of the TCCP prohibits officers from engaging in racial profiling, and article 2.132 of the TCCP now requires a written policy that contains the elements listed in this standard. The article also specifically defines a law enforcement agency as it applies to this statute as an “agency of the state, or of a county, municipality, or other political subdivision of the state, that employs peace officers who make traffic stops in the routine performance of the officers’ official duties.”

The article further defines race or ethnicity as being of “a particular descent, including Caucasian, African, Hispanic, Asian, or Native American.” The statute does not limit the required policies to just these ethnic groups.

This written policy is to be adopted and implemented no later than January 1, 2002.

Standard 2

Each peace officer who stops a motor vehicle for an alleged violation of a law or ordinance regulating traffic, or who stops a pedestrian for any suspected offense reports to the employing law enforcement agency information relating to the stop, to include:

- a physical description of each person detained, including gender and the person’s race or ethnicity, as stated by the person, or, if the person does not state a race or ethnicity, as determined by the officer’s best judgment;
- the traffic law or ordinance alleged to have been violated or the suspected offense;
- whether the officer conducted a search as a result of the stop and, if so, whether the person stopped consented to the search;
- whether any contraband was discovered in the course of the search, and the type of contraband discovered;
- whether probable cause to search existed, and the facts supporting the existence of that probable cause;
- whether the officer made an arrest as a result of the stop or the search, including a statement of the offense charged;
- the street address or approximate location of the stop; and
- whether the officer issued a warning or citation as a result of the stop, including a description of the warning or a statement of the violation charged.

Commentary

The information required by 2.133 TCCP is used to complete the agency reporting requirements found in Article 2.134. A peace officer and an agency may be exempted from this requirement under Article 2.135 TCCP Exemption for Agencies Using Video and Audio Equipment. An agency may be exempt from this reporting requirement by applying for the funds from the Department of Public Safety for video and audio equipment and the State does not supply those funds. Section 2.135 (a)(2) states, “the governing body of the county or municipality served by the law enforcement agency, in conjunction with the law enforcement agency, certifies to the Department of Public Safety, not later than the date specified by rule by the department, that the law enforcement agency needs funds or video and audio equipment for the purpose of installing video and audio equipment as described by Subsection (a) (1) (A) and the agency does not receive from the state funds for video and audio equipment sufficient, as determined by the department, for the agency to accomplish that purpose.”

Standard 3

The agency compiles the information collected under 2.132 and 2.133 and analyzes the information identified in 2.133.

Commentary

Senate Bill 1074 from the 77th Session of the Texas Legislature created requirements for law enforcement agencies to gather specific information and to report it to each county or municipality served. New sections of law were added to the Code of Criminal Procedure regarding the reporting of traffic and pedestrian stops. Detained is defined as when a person stopped is not free to leave.

Article 2.134 TCCP requires the agency to compile and provide an analysis of the information collected by peace officer employed by the agency. The report is provided to the governing body of the municipality or county no later than March 1 of each year and covers the previous calendar year.

There is data collection and reporting required based on Article 2.132 CCP (tier one) and Article 2.133 CCP (tier two).

The minimum requirements for “tier one” data for traffic stops in which a citation results are:

- 1) the race or ethnicity of individual detained (race and ethnicity as defined by the bill means of “a particular descent, including Caucasian, African, Hispanic, Asian, or Native American”);
- 2) whether a search was conducted, and if there was a search, whether it was a consent search or a probable cause search; and
- 3) whether there was a custody arrest.

The minimum requirements for reporting on “tier two” reports include traffic and pedestrian stops. Tier two data include:

- 1) the detained person’s gender and race or ethnicity;
- 2) the type of law violation suspected, e.g., hazardous traffic, non-hazardous traffic, or other criminal investigation (the Texas Department of Public Safety publishes a categorization of traffic offenses into hazardous or non-hazardous);
- 3) whether a search was conducted, and if so whether it was based on consent or probable cause;
- 4) facts supporting probable cause;
- 5) the type, if any, of contraband that was collected;
- 6) disposition of the stop, e.g., arrest, ticket, warning, or release;
- 7) location of stop; and
- 8) statement of the charge, e.g., felony, misdemeanor, or traffic.

Tier one reports are made to the governing body of each county or municipality served by the agency an annual report of information if the agency is an agency of a county, municipality, or other political subdivision of the state. Tier one and two reports are reported to the county or municipality not later than March 1 for the previous calendar year beginning March 1, 2003. Tier two reports include a comparative analysis between the race and ethnicity of persons detained to see if a differential pattern of treatment can be discerned based on the disposition of stops

including searches resulting from the stops. The reports also include information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling. An agency may be exempt from the tier two reporting requirement by applying for the funds from the Department of Public Safety for video and audio equipment and the State does not supply those funds [See 2.135 (a)(2) TCCP].

Reports should include both raw numbers and percentages for each group. Caution should be exercised in interpreting the data involving percentages because of statistical distortions caused by very small numbers in any particular category, for example, if only one American Indian is stopped and searched, that stop would not provide an accurate comparison with 200 stops among Caucasians with 100 searches. In the first case, a 100% search rate would be skewed data when compared to a 50% rate for Caucasians.

Standard 4

If a law enforcement agency has video and audio capabilities in motor vehicles regularly used for traffic stops, or audio capabilities on motorcycles regularly used to make traffic stops, the agency:

- adopts standards for reviewing and retaining audio and video documentation; and
- promptly provides a copy of the recording to a peace officer who is the subject of a complaint on written request by the officer.

Commentary

The agency should have a specific review and retention policy. Article 2.132 TCCP specifically requires that the peace officer be promptly provided with a copy of the audio or video recordings if the officer is the subject of a complaint and the officer makes a written request.

Standard 5

Agencies that do not currently have video or audio equipment must examine the feasibility of installing such equipment.

Commentary

None

Standard 6

Agencies that have video and audio recording capabilities are exempt from the reporting requirements of Article 2.134 TCCP and officers are exempt from the reporting requirements of Article 2.133 TCCP provided that:

- the equipment was in place and used during the proceeding calendar year; and
- video and audio documentation is retained for at least 90 days.

Commentary

The audio and video equipment and policy must have been in place during the previous calendar year. Audio and video documentation must be kept for at least 90 days or longer if a complaint has been filed. The documentation must be retained until the complaint is resolved. Peace officers are not exempt from the requirements under Article 2.132 TCCP.

Standard 7

Agencies have citation forms or other electronic media that comply with Section 543.202 of the Transportation Code.

Commentary

Senate Bill 1074 changed Section 543.202 of the Transportation Code requiring citations to include:

- race or ethnicity, and
- whether a search of the vehicle was conducted and whether consent for the search was obtained.

The Texas Law on Racial Profiling

S.B. No. 1074 - An Act relating to the prevention of racial profiling by certain peace officers.
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 2, Code of Criminal Procedure, is amended by adding Articles 2.131 through 2.138 to read as follows:

Art. 2.131. RACIAL PROFILING PROHIBITED. A peace officer may not engage in racial profiling.

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 traffic stops in the routine performance of the officers' official duties.

(2) "Race or ethnicity" means of a particular descent, including Caucasian, African, Hispanic, Asian, or Native American descent.

(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 complaint process;

(5) require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article;

(6) require collection of information relating to traffic stops in which a citation is issued and to arrests resulting from those traffic stops, including information relating to:

(A) the race or ethnicity of the individual detained; and

(B) whether a search was conducted and, if so, whether the person detained consented to the search; and

(7) require the agency to submit to the governing body of each county or municipality served by the agency an annual report of the information collected under Subdivision (6) 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 traffic stops and transmitter-activated equipment in each agency law enforcement motorcycle regularly used to make traffic stops. If a law enforcement agency installs video or audio equipment 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 traffic 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.

Art. 2.133. REPORTS REQUIRED FOR TRAFFIC AND PEDESTRIAN STOPS. (a) In this article:

(1) "Race or ethnicity" has the meaning assigned by Article 2.132(a).

(2) "Pedestrian stop" means 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.

(b) A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance regulating traffic or who stops a pedestrian for any suspected offense shall report to the law enforcement agency that employs the officer information relating to the stop, including:

(1) a physical description of each person 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 traffic law or ordinance alleged to have been violated or the suspected offense;

(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 was discovered in the course of the search and the type of contraband discovered;

(5) whether probable cause to search existed and the facts supporting the existence of that probable cause;

(6) whether the officer made an arrest as a result of the stop or the search, including a statement of the offense charged;

(7) the street address or approximate location of the stop; and

(8) whether the officer issued a warning or a citation as a result of the stop, including a description of the warning or a statement of the violation charged.

Art. 2.134. COMPILATION AND ANALYSIS OF INFORMATION COLLECTED.

(a) In this article, "pedestrian stop" means 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.

(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 local law enforcement agency shall submit a report containing the information compiled

during the previous calendar year to the governing body of each county or municipality served by the agency in a manner approved by the agency.

(c) A report required under Subsection (b) must include:

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

(A) determine the prevalence of racial profiling by peace officers employed by the agency; and

(B) examine the disposition of traffic and pedestrian stops made by officers employed by the agency, including searches resulting from the stops; 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 traffic or pedestrian 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 Commission on Law Enforcement Officer Standards and Education 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.

Art. 2.135. EXEMPTION FOR AGENCIES USING VIDEO AND AUDIO EQUIPMENT. (a) A peace officer is exempt from the reporting requirement under Article 2.133 and a law enforcement agency is exempt from the compilation, analysis, and reporting requirements under Article 2.134 if:

(1) during the calendar year preceding the date that a report under Article 2.134 is required to be submitted:

(A) each law enforcement motor vehicle regularly used by an officer employed by the agency to make traffic and pedestrian stops is equipped with video camera and transmitter-activated equipment and each law enforcement motorcycle regularly used to make traffic and pedestrian stops is equipped with transmitter-activated equipment; and

(B) each traffic and pedestrian stop made by an officer employed by the agency that is capable of being recorded by video and audio or audio equipment, as appropriate, is recorded by using the equipment; or

(2) the governing body of the county or municipality served by the law enforcement agency, in conjunction with the law enforcement agency, certifies to the Department of Public Safety, not later than the date specified by rule by the department, that the law enforcement agency needs funds or video and audio equipment for the purpose of installing video and audio equipment as described by Subsection (a)(1)(A) and the agency does not receive from the state funds or video and audio equipment sufficient, as determined by the department, for the agency to accomplish that purpose.

(b) Except as otherwise provided by this subsection, a law enforcement agency that is exempt from the requirements under Article 2.134 shall retain the video and audio or audio documentation of each traffic and pedestrian stop for at least 90 days after the date of the stop. If a complaint is filed with the law enforcement agency alleging that a peace officer employed by the agency has engaged in racial profiling with respect to a traffic or pedestrian stop, the agency shall retain the video and audio or audio record of the stop until final disposition of the complaint.

(c) This article does not affect the collection or reporting requirements under Article 2.132.

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.

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 as described by Article 2.135(a)(1)(A), 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 as described by Article 2.135(a)(1)(A). 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 as described by Article 2.135(a)(1)(A), 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 as described by Article 2.135(a)(1)(A), 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 installed video and audio equipment as described by Article 2.135(a)(1)(A) and is using the equipment as required by Article 2.135(a)(1).

Art. 2.138. RULES. The Department of Public Safety may adopt rules to implement Articles 2.131-2.137.

SECTION 2. Chapter 3, Code of Criminal Procedure, is amended by adding Article 3.05 to read as follows:

Art. 3.05. RACIAL PROFILING. In this code, "racial profiling" means a 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.

SECTION 3. Section 96.641, Education Code, is amended by adding Subsection (j) to read as follows:

(j) As part of the initial training and continuing education for police chiefs required under this section, the institute shall establish a program on racial profiling. The program must include an examination of the best practices for:

(1) monitoring peace officers' compliance with laws and internal agency policies relating to racial profiling;

(2) implementing laws and internal agency policies relating to preventing racial profiling;
and

(3) analyzing and reporting collected information.

SECTION 4. Section 1701.253, Occupations Code, is amended by adding Subsection (e) to read as follows:

(e) As part of the minimum curriculum requirements, the commission shall establish a statewide comprehensive education and training program on racial profiling for officers licensed under this chapter. An officer shall complete a program established under this subsection not later than the second anniversary of the date the officer is licensed under this chapter or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier.

SECTION 5. Section 1701.402, Occupations Code, is amended by adding Subsection (d) to read as follows:

(d) As a requirement for an intermediate proficiency certificate, an officer must complete an education and training program on racial profiling established by the commission under Section 1701.253(e).

SECTION 6. Section 543.202, Transportation Code, is amended to read as follows:

Sec. 543.202. FORM OF RECORD. (a) In this section, "race or ethnicity" means of a particular descent, including Caucasian, African, Hispanic, Asian, or Native American descent.

(b) The record must be made on a form or by a data processing method acceptable to the department and must include:

(1) the name, address, physical description, including race or ethnicity, date of birth, and driver's license number of the person charged;

(2) the registration number of the vehicle involved;

(3) whether the vehicle was a commercial motor vehicle as defined by Chapter 522 or was involved in transporting hazardous materials;

(4) the person's social security number, if the person was operating a commercial motor vehicle or was the holder of a commercial driver's license or commercial driver learner's permit;

(5) the date and nature of the offense, including whether the offense was a serious traffic violation as defined by Chapter 522;

(6) whether a search of the vehicle was conducted and whether consent for the search was obtained;

(7) the plea, the judgment, and whether bail was forfeited;

(8) ~~[(7)]~~ the date of conviction; and

(9) ~~[(8)]~~ the amount of the fine or forfeiture.

SECTION 7. Not later than January 1, 2002, a law enforcement agency shall adopt and implement a policy and begin collecting information under the policy as required by Article 2.132, Code of Criminal Procedure, as added by this Act. A local law enforcement agency shall first submit information to the governing body of each county or municipality served by the agency as required by Article 2.132, Code of Criminal Procedure, as added by this Act, on March 1, 2003. The first submission of information shall consist of information compiled by the agency during the period beginning January 1, 2002, and ending December 31, 2002.

SECTION 8. A local law enforcement agency shall first submit information to the governing body of each county or municipality served by the agency as required by Article 2.134, Code of Criminal Procedure, as added by this Act, on March 1, 2004. The first submission of information shall consist of information compiled by the agency during the period beginning January 1, 2003, and ending December 31, 2003.

SECTION 9. Not later than January 1, 2002:

(1) the Commission on Law Enforcement Officer Standards and Education shall establish an education and training program on racial profiling as required by Subsection (e), Section 1701.253, Occupations Code, as added by this Act; and

(2) the Bill Blackwood Law Enforcement Management Institute of Texas shall establish a program on racial profiling as required by Subsection (j), Section 96.641, Education Code, as added by this Act.

SECTION 10. A person who on the effective date of this Act holds an intermediate proficiency certificate issued by the Commission on Law Enforcement Officer Standards and Education or has held a peace officer license issued by the Commission on Law Enforcement Officer Standards and Education for at least two years shall complete an education and training program on racial profiling established under Subsection (e), Section 1701.253, Occupations Code, as added by this Act, not later than September 1, 2003.

SECTION 11. An individual appointed or elected as a police chief before the effective date of this Act shall complete a program on racial profiling established under Subsection (j), Section 96.641, Education Code, as added by this Act, not later than September 1, 2003.

SECTION 12. This Act takes effect September 1, 2001

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1074 passed the Senate on April 4, 2001, by the following vote: Yeas 28, Nays 2; May 21, 2001, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 22, 2001, House granted request of the Senate; May 24, 2001, Senate adopted Conference Committee Report by a viva-voce vote.

Secretary of the Senate

I hereby certify that S.B. No. 1074 passed the House, with amendments, on May 15, 2001, by a non-record vote; May 22, 2001, House granted request of the Senate for appointment of Conference Committee; May 24, 2001, House adopted Conference Committee Report by a non-record vote.

Chief Clerk of the House

Approved:

Date

Governor

Modifications to the Original Law

(H.B. 3389)

Amend CSHB 3389 (Senate committee report) as follows:

(1) Strike the following SECTIONS of the bill:

(A) SECTION 8, adding Section 1701.164, Occupations Code (page 4, lines 61-66);

(B) SECTION 24, amending Article 2.132(b), Code of Criminal Procedure (page 8, lines 19-53);

(C) SECTION 25, amending Article 2.134(b), Code of Criminal Procedure (page 8, lines 54-64);

(D) SECTION 28, providing transition language for the amendments to Articles 2.132(b) and 2.134(b), Code of Criminal Procedure (page 9, lines 40-47).

(2) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS of the bill accordingly: SECTION _____. Article 2.132, Code of Criminal Procedure, is amended by amending Subsections (a),(b), (d), and (e) and adding Subsection (g) to read as follows:

(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~~[traffic]~~ 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 of a particular descent, including Caucasian, African, Hispanic, Asian, ~~[or]~~ Native American, or Middle Eastern descent.

(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 complaint process;

(5) require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article;

(6) require collection of information relating to motor vehicle ~~[traffic]~~ stops in which a citation is issued and to arrests made as a result of ~~[resulting from]~~ those ~~[traffic]~~ stops, including information relating to:

(A) the race or ethnicity of the individual detained; and

(B) whether a search was conducted and, if so, whether the individual ~~[person]~~ detained consented to the search; and

(C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and

(7) require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit ~~[to the governing body of each county or~~

~~municipality served by the agency]~~ an annual report of the information collected under Subdivision (6) to:

(A) the Commission on Law Enforcement Officer Standards and Education; 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.

(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 ~~[traffic]~~ stops and transmitter activated equipment in each agency law enforcement motorcycle regularly used to make motor vehicle ~~[traffic]~~ stops. If a law enforcement agency installs video or audio equipment 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 ~~[traffic]~~ 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).

(g) On a finding by the Commission on Law Enforcement Officer Standards and Education 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.

SECTION _____. Article 2.133, Code of Criminal Procedure, is amended to read as follows:

Art. 2.133. REPORTS REQUIRED FOR MOTOR VEHICLE ~~[TRAFFIC AND PEDESTRIAN]~~ STOPS. (a) In this article, "race":

~~[(1) "Race]~~ or ethnicity" has the meaning assigned by Article 2.132(a).

~~[(2) "Pedestrian stop" means 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.]~~

(b) A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance ~~[regulating traffic or who stops a pedestrian for any suspected offense]~~ shall report to the law enforcement agency that employs the officer information relating to the stop, including:

(1) a physical description of any ~~[each]~~ 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 ~~[traffic law or ordinance alleged to have been violated or the suspected offense];~~

(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 ~~[the type]~~ of the contraband or evidence ~~[discovered];~~

(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 ~~[existed and the facts supporting the existence of that probable cause];~~

(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; and

(8) whether the officer issued a written warning or a citation as a result of the stop~~[, including a description of the warning or a statement of the violation charged].~~

SECTION _____. Article 2.134, Code of Criminal Procedure, is amended by amending Subsections (a) through (e) and adding Subsection (g) to read as follows:

(a) In this article:

(1) "Motor vehicle[, "pedestrian] stop" has the meaning assigned by Article 2.132(a) ~~[means 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].~~

(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 ~~[local]~~ law enforcement agency shall submit a report containing the incident-based data ~~[information]~~ compiled during the previous calendar year to the Commission on Law Enforcement Officer Standards and Education 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 ~~[in a manner approved 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 ~~[determine the prevalence of racial profiling by peace officers employed by the agency]; and~~

(B) examine the disposition of motor vehicle ~~[traffic and pedestrian]~~ 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 ~~[the]~~ stops within the applicable jurisdiction; and

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

(d) A report required under Subsection (b) may not include identifying information about a peace officer who makes a motor vehicle ~~[traffic or pedestrian]~~ 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 Commission on Law Enforcement Officer Standards and Education, in accordance with Section 1701.162, Occupations Code, shall develop guidelines for compiling and reporting information as required by this article.

(g) On a finding by the Commission on Law Enforcement Officer Standards and Education 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.

SECTION _____. Article 2.135, Code of Criminal Procedure, is amended to read as follows:

Art. 2.135. PARTIAL EXEMPTION FOR AGENCIES USING VIDEO AND AUDIO EQUIPMENT. (a) A peace officer is exempt from the reporting requirement under Article 2.133 and the chief administrator of a law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, is exempt from the compilation, analysis, and reporting requirements under Article 2.134 if:

(1) during the calendar year preceding the date that a report under Article 2.134 is required to be submitted:

(A) each law enforcement motor vehicle regularly used by an officer employed by the agency to make motor vehicle ~~[traffic and pedestrian]~~ stops is equipped with video camera and transmitter-activated equipment and each law enforcement motorcycle regularly used to make motor vehicle ~~[traffic and pedestrian]~~ stops is equipped with transmitter-activated equipment; and

(B) each motor vehicle ~~[traffic and pedestrian]~~ stop made by an officer employed by the agency that is capable of being recorded by video and audio or audio equipment, as appropriate, is recorded by using the equipment; or

(2) the governing body of the county or municipality served by the law enforcement agency, in conjunction with the law enforcement agency, certifies to the Department of Public Safety, not later than the date specified by rule by the department, that the law enforcement agency needs funds or video and audio equipment for the purpose of installing video and audio equipment as described by Subsection (a)(1)(A) and the agency does not receive from the state funds or video and audio equipment sufficient, as determined by the department, for the agency to accomplish that purpose.

(b) Except as otherwise provided by this subsection, a law enforcement agency that is exempt from the requirements under Article 2.134 shall retain the video and audio or audio documentation of each motor vehicle ~~[traffic and pedestrian]~~ stop for at least 90 days after the date of the stop. If a complaint is filed with the law enforcement agency alleging that a peace officer employed by the agency has engaged in racial profiling with respect to a motor vehicle ~~[traffic or pedestrian]~~ stop, the agency shall retain the video and audio or audio record of the stop until final disposition of the complaint.

(c) This article does not affect the collection or reporting requirements under Article 2.132.

(d) In this article, "motor vehicle stop" has the meaning assigned by Article 2.132(a).

SECTION _____. Chapter 2, Code of Criminal Procedure, is amended by adding Article 2.1385 to read as follows:

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 the amount of \$1,000 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.

SECTION _____. Subchapter A, Chapter 102, Code of Criminal Procedure, is amended by adding Article 102.022 to read as follows:

Art. 102.022. COSTS ON CONVICTION TO FUND STATEWIDE REPOSITORY FOR DATA RELATED TO CIVIL JUSTICE. (a) In this article, "moving violation" means an offense that:

(1) involves the operation of a motor vehicle; and

(2) is classified as a moving violation by the Department of Public Safety under Section 708.052, Transportation Code.

(b) A defendant convicted of a moving violation in a justice court, county court, county court at law, or municipal court shall pay a fee of 10 cents as a cost of court.

(c) In this article, a person is considered convicted if:

(1) a sentence is imposed on the person;

(2) the person receives community supervision, including deferred adjudication; or

(3) the court defers final disposition of the person's case.

(d) The clerks of the respective courts shall collect the costs described by this article. The clerk shall keep separate records of the funds collected as costs under this article and shall deposit the funds in the county or municipal treasury, as appropriate.

(e) The custodian of a county or municipal treasury shall:

(1) keep records of the amount of funds on deposit collected under this article; and

(2) send to the comptroller before the last day of the first month following each calendar quarter the funds collected under this article during the preceding quarter.

(f) A county or municipality may retain 10 percent of the funds collected under this article by an officer of the county or municipality as a collection fee if the custodian of the county or municipal treasury complies with Subsection (e).

(g) If no funds due as costs under this article are deposited in a county or municipal treasury in a calendar quarter, the custodian of the treasury shall file the report required for the quarter in the regular manner and must state that no funds were collected.

(h) The comptroller shall deposit the funds received under this article to the credit of the Civil Justice Data Repository fund in the general revenue fund, to be used only by the Commission on Law Enforcement Officer Standards and Education to implement duties under Section 1701.162, Occupations Code.

(i) Funds collected under this article are subject to audit by the comptroller.

SECTION _____. (a) Section 102.061, Government Code, as reenacted and amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, is amended to conform to the amendments made to Section 102.061, Government Code, by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session, 2007, and is further amended to read as follows:

Sec. 102.061. ADDITIONAL COURT COSTS ON CONVICTION IN STATUTORY COUNTY COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a statutory county court shall collect fees and costs under the Code of Criminal Procedure on conviction of a defendant as follows:

(1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$20;

(2) a fee for services of the clerk of the court (Art. 102.005, Code of Criminal Procedure) . . . \$40;

- (3) a records management and preservation services fee (Art. 102.005, Code of Criminal Procedure) . . . \$25;
- (4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . \$3;
- (5) a juvenile delinquency prevention and graffiti eradication fee (Art. 102.0171, Code of Criminal Procedure) . . . \$50 [~~\$5~~]; [~~and~~]
- (6) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) . . . not to exceed \$5; and
- (7) a civil justice fee (Art. 102.022, Code of Criminal Procedure) . . . \$0.10.

(b) Section 102.061, Government Code, as amended by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session, 2007, is repealed. Section 102.061, Government Code, as reenacted and amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, to reorganize and renumber that section, continues in effect as further amended by this section.

SECTION _____. (a) Section 102.081, Government Code, as amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, is amended to conform to the amendments made to Section 102.081, Government Code, by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session, 2007, and is further amended to read as follows:

Sec. 102.081. ADDITIONAL COURT COSTS ON CONVICTION IN COUNTY COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a county court shall collect fees and costs under the Code of Criminal Procedure on conviction of a defendant as follows:

- (1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$20;
- (2) a fee for clerk of the court services (Art. 102.005, Code of Criminal Procedure) . . . \$40;
- (3) a records management and preservation services fee (Art. 102.005, Code of Criminal Procedure) . . . \$25;
- (4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . \$3;
- (5) a juvenile delinquency prevention and graffiti eradication fee (Art. 102.0171, Code of Criminal Procedure) . . . \$50 [~~\$5~~]; [~~and~~]
- (6) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) . . . not to exceed \$5; and
- (7) a civil justice fee (Art. 102.022, Code of Criminal Procedure) . . . \$0.10.

(b) Section 102.081, Government Code, as amended by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session, 2007, is repealed. Section 102.081, Government Code, as amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, to reorganize and renumber that section, continues in effect as further amended by this section.

SECTION _____. Section 102.101, Government Code, is amended to read as follows:

Sec. 102.101. ADDITIONAL COURT COSTS ON CONVICTION IN JUSTICE COURT: CODE OF CRIMINAL PROCEDURE. A clerk of a justice court shall collect fees and costs under the Code of Criminal Procedure on conviction of a defendant as follows:

- (1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$3;
- (2) a fee for withdrawing request for jury less than 24 hours before time of trial (Art. 102.004, Code of Criminal Procedure) . . . \$3;
- (3) a jury fee for two or more defendants tried jointly (Art. 102.004, Code of Criminal Procedure) . . . one jury fee of \$3;

- (4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . \$4;
- (5) a fee for technology fund on a misdemeanor offense (Art. 102.0173, Code of Criminal Procedure) . . . \$4;
- (6) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) . . . not to exceed \$5;
- (7) a fee on conviction of certain offenses involving issuing or passing a subsequently dishonored check (Art. 102.0071, Code of Criminal Procedure) . . . not to exceed \$30; ~~and~~
- (8) a court cost on conviction of a Class C misdemeanor in a county with a population of 3.3 million or more, if authorized by the county commissioners court (Art. 102.009, Code of Criminal Procedure) . . . not to exceed \$7; and
- (9) a civil justice fee (Art. 102.022, Code of Criminal Procedure) . . . \$0.10.

SECTION _____. Section 102.121, Government Code, is amended to read as follows:

Sec. 102.121. ADDITIONAL COURT COSTS ON CONVICTION IN MUNICIPAL COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a municipal court shall collect fees and costs on conviction of a defendant as follows:

- (1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$3;
- (2) a fee for withdrawing request for jury less than 24 hours before time of trial (Art. 102.004, Code of Criminal Procedure) . . . \$3;
- (3) a jury fee for two or more defendants tried jointly (Art. 102.004, Code of Criminal Procedure) . . . one jury fee of \$3;
- (4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . \$3;
- (5) a fee for technology fund on a misdemeanor offense (Art. 102.0172, Code of Criminal Procedure) . . . not to exceed \$4; ~~and~~
- (6) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) . . . not to exceed \$5; and
- (7) a civil justice fee (Art. 102.022, Code of Criminal Procedure) . . . \$0.10.

SECTION _____. Subchapter D, Chapter 1701, Occupations Code, is amended by adding Section 1701.164 to read as follows:

Sec. 1701.164. COLLECTION OF CERTAIN INCIDENT-BASED DATA SUBMITTED BY LAW ENFORCEMENT AGENCIES. The commission shall collect and maintain incident-based data submitted to the commission under Article 2.134, Code of Criminal Procedure, including incident-based data compiled by a law enforcement agency from reports received by the law enforcement agency under Article 2.133 of that code. The commission in consultation with the Department of Public Safety, the Bill Blackwood Law Enforcement Management Institute of Texas, the W. W. Caruth, Jr., Police Institute at Dallas, and the Texas Police Chiefs Association shall develop guidelines for submitting in a standard format the report containing incident-based data as required by Article 2.134, Code of Criminal Procedure.

SECTION _____. Subsection (a), Section 1701.501, Occupations Code, is amended to read as follows:

(a) Except as provided by Subsection (d), the commission shall revoke or suspend a license, place on probation a person whose license has been suspended, or reprimand a license holder for a violation of:

- (1) this chapter;

(2) the reporting requirements provided by Articles 2.132 and 2.134, Code of Criminal Procedure;
or

(3) a commission rule.

SECTION _____. (a) The requirements of Articles 2.132, 2.133, and 2.134, Code of Criminal Procedure, as amended by this Act, relating to the compilation, analysis, and submission of incident-based data apply only to information based on a motor vehicle stop occurring on or after January 1, 2010.

(b) The imposition of a cost of court under Article 102.022, Code of Criminal Procedure, as added by this Act, applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

Racial and Ethnic Designations (H.B. 3051)

H.B. No. 3051 - An Act relating to the categories used to record the race or ethnicity of persons stopped for or convicted of traffic offenses.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 2.132(a)(3), Code of Criminal Procedure, is amended to read as follows:

(3) "Race or ethnicity" means the following categories:

(A) Alaska native or American Indian;

(B) [of a particular descent, including Caucasian, African, Hispanic,] Asian or Pacific Islander;

(C) black;

(D) white; and

(E) Hispanic or Latino [~~Native American, or Middle Eastern descent~~].

SECTION 2. Section 543.202(a), Transportation Code, is amended to read as follows:

(a) In this section, "race or ethnicity" means the following categories:

(1) Alaska native or American Indian;

(2) [of a particular descent, including Caucasian, African, Hispanic,] Asian or Pacific Islander;

(3) black;

(4) white; and

(5) Hispanic or Latino [~~or Native American descent~~].

SECTION 3. This Act takes effect September 1, 2017.

President of the Senate

Speaker of the House

I certify that H.B. No. 3051 was passed by the House on May 4, 2017, by the following vote: Yeas 143, Nays 2, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 3051 was passed by the Senate on May 19, 2017, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor

The Sandra Bland Act

(S.B. 1849)

S.B. No. 1849

An Act relating to interactions between law enforcement and individuals detained or arrested on suspicion of the commission of criminal offenses, to the confinement, conviction, or release of those individuals, and to grants supporting populations that are more likely to interact frequently with law enforcement.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

ARTICLE 1. SHORT TITLE

SECTION 1.01. SHORT TITLE. This Act shall be known as the Sandra Bland Act, in memory of Sandra Bland.

ARTICLE 2. IDENTIFICATION AND DIVERSION OF AND SERVICES FOR PERSONS SUSPECTED OF HAVING A MENTAL ILLNESS, AN INTELLECTUAL DISABILITY, OR A SUBSTANCE ABUSE ISSUE

SECTION 2.01. Article 16.22, Code of Criminal Procedure, is amended to read as follows:

Art. 16.22. EARLY IDENTIFICATION OF DEFENDANT SUSPECTED OF HAVING MENTAL ILLNESS OR INTELLECTUAL DISABILITY [MENTAL RETARDATION]. (a)(1) Not later than 12 [72] hours after receiving credible information that may establish reasonable cause to believe that a defendant committed to the sheriff's custody has a mental illness or is a person with an intellectual disability [mental retardation], including observation of the defendant's behavior immediately before, during, and after the defendant's arrest and the results of any previous assessment of the defendant, the sheriff shall provide written or electronic notice of the information to the magistrate. On a determination that there is reasonable cause to believe that the defendant has a mental illness or is a person with an intellectual disability [mental retardation], the magistrate, except as provided by Subdivision

(2), shall order the local mental health or intellectual and developmental disability [mental retardation] authority or another qualified mental health or intellectual disability [mental retardation] expert to:

(A) collect information regarding whether the defendant has a mental illness as defined by Section 571.003,

Health and Safety Code, or is a person with an intellectual disability [mental retardation] as defined by Section 591.003, Health and Safety Code, including information obtained from any previous assessment of the defendant; and

(B) provide to the magistrate a written assessment of the information collected under Paragraph (A).

(2) The magistrate is not required to order the collection of information under Subdivision

(1) if the defendant in the year preceding the defendant's applicable date of arrest has been determined to have a mental illness or to be a person with an intellectual disability [mental retardation] by the local mental health or intellectual and developmental disability [mental retardation] authority or another mental health or intellectual disability [mental retardation] expert described by Subdivision

(1). A court that elects to use the results of that previous determination may proceed under Subsection (c).

(3) If the defendant fails or refuses to submit to the collection of information regarding the defendant as required under Subdivision (1), the magistrate may order the defendant to submit to an examination in a mental health facility determined to be appropriate by the local mental health or intellectual and developmental disability [mental retardation] authority for a reasonable period not to exceed 21 days. The magistrate may order a defendant to a facility operated by the Department of State Health Services or the Health and Human Services Commission [Department of Aging and Disability Services] for examination only on request of the local mental health or intellectual and developmental disability [mental retardation] authority and with the consent of the head of the facility. If a defendant who has been ordered to a facility operated by the Department of State Health Services or the Health and Human Services Commission [Department of Aging and Disability Services] for examination remains in the facility for a period exceeding 21 days, the head of that facility shall cause the defendant to be immediately transported to the committing court and placed in the custody of the sheriff of the county in which the committing court is located. That county shall reimburse the facility for the mileage and per diem expenses of the personnel required to transport the defendant calculated in accordance with the state travel regulations in effect at the time.

(b) A written assessment of the information collected under Subsection (a)(1)(A) shall be provided to the magistrate not later than the 30th day after the date of any order issued under Subsection (a) in a felony case and not later than the 10th day after the date of any order issued under that subsection in a misdemeanor case, and the magistrate shall provide copies of the written assessment to the defense counsel, the prosecuting attorney, and the trial court. The written assessment must include a description of the procedures used in the collection of information under Subsection (a)(1)(A) and the applicable expert's observations and findings pertaining to:

(1) whether the defendant is a person who has a mental illness or is a person with an intellectual disability [mental retardation];

(2) whether there is clinical evidence to support a belief that the defendant may be incompetent to stand trial and should undergo a complete competency examination under Subchapter B, Chapter 46B; and

(3) recommended treatment.

(c) After the trial court receives the applicable expert's written assessment relating to the defendant under Subsection (b) or elects to use the results of a previous determination as described by Subsection (a)(2), the trial court may, as applicable:

(1) resume criminal proceedings against the defendant, including any appropriate proceedings related to the defendant's release on personal bond under Article 17.032;

(2) resume or initiate competency proceedings, if required, as provided by Chapter 46B

or other proceedings affecting the defendant's receipt of appropriate court-ordered mental health or intellectual disability [mental retardation] services, including proceedings related to the defendant's receipt of outpatient mental health services under Section 574.034, Health and Safety Code; or

(3) consider the written assessment during the punishment phase after a conviction of the offense for which the defendant was arrested, as part of a presentence investigation report, or in connection with the impositions of conditions following placement on community supervision, including deferred adjudication community supervision.

(d) This article does not prevent the applicable court from, before, during, or after the collection of information regarding the defendant as described by this article: (1) releasing a defendant who has a mental illness [mentally ill] or is a person with an intellectual disability [mentally retarded defendant] from custody on personal or surety bond; or

(2) ordering an examination regarding the defendant's competency to stand trial.

SECTION 2.02. Chapter 16, Code of Criminal Procedure, is amended by adding Article 16.23 to read as follows:

Art. 16.23. DIVERSION OF PERSONS SUFFERING MENTAL HEALTH CRISIS OR SUBSTANCE ABUSE ISSUE. (a) Each law enforcement agency shall make a good faith effort to divert a person suffering a mental health crisis or suffering from the effects of substance abuse to a proper treatment center in the agency's jurisdiction if:

(1) there is an available and appropriate treatment center in the agency's jurisdiction to which the agency may divert the person;

(2) it is reasonable to divert the person;

(3) the offense that the person is accused of is a misdemeanor, other than a misdemeanor involving violence; and

(4) the mental health crisis or substance abuse issue is suspected to be the reason the person committed the alleged offense.

(b) Subsection (a) does not apply to a person who is accused of an offense under Section 49.04, 49.045, 49.05, 49.06, 49.065, 49.07, or 49.08, Penal Code.

SECTION 2.03. Section 539.002, Government Code, is amended to read as follows:

Sec. 539.002. GRANTS FOR ESTABLISHMENT AND EXPANSION OF COMMUNITY COLLABORATIVES. (a) To the extent funds are appropriated to the department for that purpose, the department shall make grants to entities, including local governmental entities, nonprofit community organizations, and faith-based community organizations, to establish or expand community collaboratives that bring the public and private sectors together to provide services to persons experiencing homelessness, substance abuse issues, or [and] mental illness. [The department may make a maximum of five grants, which must be made in the most populous municipalities in this state that are located in counties with a population of more than one million.] In awarding grants, the department shall give special consideration to entities:

(1) establishing [a] new collaboratives; or

(2) establishing or expanding collaboratives that serve two or more counties, each with a population of less than 100,000 [collaborative].

(b) The department shall require each entity awarded a grant under this section to:

(1) leverage additional funding from private sources in an amount that is at least equal to the amount of the grant awarded under this section; [and]

(2) provide evidence of significant coordination and collaboration between the entity, local mental health authorities, municipalities, local law enforcement agencies, and other community stakeholders in establishing or expanding a community collaborative funded by a grant awarded under this section; and

(3) provide evidence of a local law enforcement policy to divert appropriate persons from jails or other detention facilities to an entity affiliated with a community collaborative for the purpose of providing services to those persons.

SECTION 2.04. Chapter 539, Government Code, is amended by adding Section 539.0051 to read as follows:

Sec. 539.0051. PLAN REQUIRED FOR CERTAIN COMMUNITY COLLABORATIVES. (a) The governing body of a county shall develop and make public a plan detailing:

(1) how local mental health authorities, municipalities, local law enforcement agencies, and other community stakeholders in the county could coordinate to establish or expand a community collaborative to accomplish the goals of Section 539.002;

(2) how entities in the county may leverage funding from private sources to accomplish the goals of Section 539.002 through the formation or expansion of a community collaborative; and

(3) how the formation or expansion of a community collaborative could establish or support resources or services to help local law enforcement agencies to divert persons who have been arrested to appropriate mental health care or substance abuse treatment.

(b) The governing body of a county in which an entity that received a grant under Section 539.002 before September 1, 2017, is located is not required to develop a plan under Subsection (a).

(c) Two or more counties, each with a population of less than 100,000, may form a joint plan under Subsection (a).

ARTICLE 3. BAIL, PRETRIAL RELEASE, AND COUNTY JAIL STANDARDS

SECTION 3.01. The heading to Article 17.032, Code of Criminal Procedure, is amended to read as follows:

Art. 17.032. RELEASE ON PERSONAL BOND OF CERTAIN [MENTALLY ILL] DEFENDANTS WITH MENTAL ILLNESS OR INTELLECTUAL DISABILITY.

SECTION 3.02. Articles 17.032(b) and (c), Code of Criminal Procedure, are amended to read as follows:

(b) A magistrate shall release a defendant on personal bond unless good cause is shown

otherwise if the:

(1) defendant is not charged with and has not been previously convicted of a violent offense;

(2) defendant is examined by the local mental health or intellectual and developmental disability [mental retardation] authority or another mental health expert under Article 16.22 [of this code];

(3) applicable expert, in a written assessment submitted to the magistrate under Article 16.22:

(A) concludes that the defendant has a mental illness or is a person with an intellectual disability [mental retardation] and is nonetheless competent to stand trial; and

(B) recommends mental health treatment or intellectual disability treatment for the defendant, as applicable; and

(4) magistrate determines, in consultation with the local mental health or intellectual and developmental disability [mental retardation] authority, that appropriate community-based mental health or intellectual disability [mental retardation] services for the defendant are available through the [Texas] Department of State [Mental] Health Services [and Mental Retardation] under Section 534.053, Health and Safety Code, or through another mental health or intellectual disability [mental retardation] services provider.

(c) The magistrate, unless good cause is shown for not requiring treatment, shall require as a condition of release on personal bond under this article that the defendant submit to outpatient or inpatient mental health or intellectual disability [mental retardation] treatment as recommended by the local mental health or intellectual and developmental disability [mental retardation] authority if the defendant's:

(1) mental illness or intellectual disability [mental retardation] is chronic in nature; or

(2) ability to function independently will continue to deteriorate if the defendant is not treated.

SECTION 3.03. Article 25.03, Code of Criminal Procedure, is amended to read as follows:

Art. 25.03. IF ON BAIL IN FELONY. When the accused, in case of felony, is on bail at the time the indictment is presented, [it is not necessary to serve him with a copy, but] the clerk shall [on request] deliver a copy of the indictment [same] to the accused or the accused's [his] counsel[,], at the earliest possible time.

SECTION 3.04. Article 25.04, Code of Criminal Procedure, is amended to read as follows:

Art. 25.04. IN MISDEMEANOR. In misdemeanors, the clerk shall deliver a copy of the indictment or information to the accused or the accused's counsel at the earliest possible time before trial [it shall not be necessary before trial to furnish the accused with a copy of the indictment or information; but he or his counsel may demand a copy, which shall be given as early as possible

SECTION 3.05. Section 511.009(a), Government Code, as amended by Chapters 281 (H.B. 875), 648 (H.B. 549), and 688 (H.B. 634), Acts of the 84th Legislature, Regular Session, 2015, is reenacted and amended to read as follows:

- (a) The commission shall:
- (1) adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails;
 - (2) adopt reasonable rules and procedures establishing minimum standards for the custody, care, and treatment of prisoners;
 - (3) adopt reasonable rules establishing minimum standards for the number of jail supervisory personnel and for programs and services to meet the needs of prisoners;
 - (4) adopt reasonable rules and procedures establishing minimum requirements for programs of rehabilitation, education, and recreation in county jails;
 - (5) revise, amend, or change rules and procedures if necessary;
 - (6) provide to local government officials consultation on and technical assistance for county jails;
 - (7) review and comment on plans for the construction and major modification or renovation of county jails;
 - (8) require that the sheriff and commissioners of each county submit to the commission, on a form prescribed by the commission, an annual report on the conditions in each county jail within their jurisdiction, including all information necessary to determine compliance with state law, commission orders, and the rules adopted under this chapter;
 - (9) review the reports submitted under Subdivision (8) and require commission employees to inspect county jails regularly to ensure compliance with state law, commission orders, and rules and procedures adopted under this chapter;
 - (10) adopt a classification system to assist sheriffs and judges in determining which defendants are low-risk and consequently suitable participants in a county jail work release program under Article 42.034, Code of Criminal Procedure;
 - (11) adopt rules relating to requirements for segregation of classes of inmates and to capacities for county jails;
 - (12) require that the chief jailer of each municipal lockup submit to the commission, on a form prescribed by the commission, an annual report of persons under 17 years of age securely detained in the lockup, including all information necessary to determine compliance with state law concerning secure confinement of children in municipal lockups;
 - (13) at least annually determine whether each county jail is in compliance with the rules and procedures adopted under this chapter;
 - (14) require that the sheriff and commissioners court of each county submit to the commission, on a form prescribed by the commission, an annual report of persons under 17 years of age securely detained in the county jail, including all information necessary to determine compliance with state law concerning secure confinement of children in county jails;
 - (15) schedule announced and unannounced inspections of jails under the commission's jurisdiction using the risk assessment plan established under Section 511.0085 to guide the inspections process;
 - (16) adopt a policy for gathering and distributing to jails under the commission's jurisdiction information regarding:
 - (A) common issues concerning jail administration;
 - (B) examples of successful strategies for maintaining compliance with state law and the rules,

standards, and procedures of the commission; and

(C) solutions to operational challenges for jails;

(17) report to the Texas Correctional Office on Offenders with Medical or Mental Impairments on a jail's compliance with Article 16.22, Code of Criminal Procedure;

(18) adopt reasonable rules and procedures establishing minimum requirements for jails to:

(A) determine if a prisoner is pregnant; and

(B) ensure that the jail's health services plan addresses medical and mental health care, including nutritional requirements, and any special housing or work assignment needs for persons who are confined in the jail and are known or determined to be pregnant;

(19) provide guidelines to sheriffs regarding contracts between a sheriff and another entity for the provision of food services to or the operation of a commissary in a jail under the commission's jurisdiction, including specific provisions regarding conflicts of interest and avoiding the appearance of impropriety; [and]

(20) adopt reasonable rules and procedures establishing minimum standards for prisoner visitation that provide each prisoner at a county jail with a minimum of two in-person, noncontact visitation periods per week of at least 20 minutes duration each;

(21) [(20)] require the sheriff of each county to:

(A) investigate and verify the veteran status of each prisoner by using data made available from the Veterans Reentry Search Service (VRSS) operated by the United States Department of Veterans Affairs or a similar service; and

(B) use the data described by Paragraph (A) to assist prisoners who are veterans in applying for federal benefits or compensation for which the prisoners may be eligible under a program administered by the United States Department of Veterans Affairs;

(22) [(20)] adopt reasonable rules and procedures regarding visitation of a prisoner at a county jail by a guardian, as defined by Section 1002.012, Estates Code, that:

(A) allow visitation by a guardian to the same extent as the prisoner's next of kin, including placing the guardian on the prisoner's approved visitors list on the guardian's request and providing the guardian access to the prisoner during a facility's standard visitation hours if the prisoner is otherwise eligible to receive visitors; and

(B) require the guardian to provide the sheriff with letters of guardianship issued as provided by Section 1106.001, Estates Code, before being allowed to visit the prisoner; and

(23) adopt reasonable rules and procedures to ensure the safety of prisoners, including rules and procedures that require a county jail to:

(A) give prisoners the ability to access a mental health professional at the jail through a telemental health service 24 hours a day;

(B) give prisoners the ability to access a health professional at the jail or through a telehealth service 24 hours a day or, if a health professional is unavailable at the jail or through a telehealth service, provide for a prisoner to be transported to access a health professional; and

(C) if funding is available under Section 511.019, install automated electronic sensors or cameras to ensure accurate and timely in-person checks of cells or groups of cells confining at-risk individuals.

SECTION 3.06. Section 511.009, Government Code, is amended by adding Subsection (d) to read

as follows:

(d) The commission shall adopt reasonable rules and procedures establishing minimum standards regarding the continuity of prescription medications for the care and treatment of prisoners. The rules and procedures shall require that a qualified medical professional shall review as soon as possible any prescription medication a prisoner is taking when the prisoner is taken into custody.

SECTION 3.07. Chapter 511, Government Code, is amended by adding Sections 511.019, 511.020, and 511.021 to read as follows:

Sec. 511.019. PRISONER SAFETY FUND. (a) The prisoner safety fund is a dedicated account in the general revenue fund.

(b) The prisoner safety fund consists of:

(1) appropriations of money to the fund by the legislature; and
(2) gifts, grants, including grants from the federal government, and other donations received for the fund.

(c) Money in the fund may be appropriated only to the commission to pay for capital improvements that are required under Section 511.009(a)(23).

(d) The commission by rule may establish a grant program to provide grants to counties to fund capital improvements described by Subsection (c). The commission may only provide a grant to a county for capital improvements to a county jail with a capacity of not more than 96 prisoners.

Sec. 511.020. SERIOUS INCIDENTS REPORT. (a) On or before the fifth day of each month, the sheriff of each county shall report to the commission regarding the occurrence during the preceding month of any of the following incidents involving a prisoner in the county jail:

(1) a suicide;
(2) an attempted suicide;
(3) a death;
(4) a serious bodily injury, as that term is defined by
Section 1.07, Penal Code;
(5) an assault;
(6) an escape;
(7) a sexual assault; and
(8) any use of force resulting in bodily injury, as that term is defined by Section 1.07, Penal Code.

(b) The commission shall prescribe a form for the report required by Subsection (a).

(c) The information required to be reported under Subsection (a)(8) may not include the name or other identifying information of a county jailer or jail employee.

(d) The information reported under Subsection (a) is public information subject to an open records request under Chapter 552.

Sec. 511.021. INDEPENDENT INVESTIGATION OF DEATH OCCURRING IN COUNTY JAIL. (a) On the death of a prisoner in a county jail, the commission shall appoint a law enforcement agency, other

than the local law enforcement agency that operates the county jail, to investigate the death as soon as possible.

(b) The commission shall adopt any rules necessary relating to the appointment of a law enforcement agency under Subsection

(a), including rules relating to cooperation between law enforcement agencies and to procedures for handling evidence.

SECTION 3.08. The changes in law made by this article to Article 17.032, Code of Criminal Procedure, apply only to a personal bond that is executed on or after the effective date of this Act. A personal bond executed before the effective date of executed, and the former law is continued in effect for that purpose.

SECTION 3.09. Not later than January 1, 2018, the Commission on Jail Standards shall:

(1) adopt the rules and procedures required by Section 511.009(d), Government Code, as added by this article, and the rules required by Section 511.021(b), Government Code, as added by this article; and

(2) prescribe the form required by Section 511.020(b), Government Code, as added by this article.

SECTION 3.10. Not later than September 1, 2018, the Commission on Jail Standards shall adopt the rules and procedures required by Section 511.009(a)(23), Government Code, as added by this article. On and after September 1, 2020, a county jail shall comply with any rule or procedure adopted by the Commission on Jail Standards under that subdivision.

SECTION 3.11. To the extent of any conflict, this Act prevails over another Act of the 85th Legislature, Regular Session, 2017, relating to non-substantive additions to and corrections in enacted codes.

ARTICLE 4. PEACE OFFICER AND COUNTY JAILER TRAINING

SECTION 4.01. Chapter 511, Government Code, is amended by adding Section 511.00905 to read as follows:

Sec. 511.00905. JAIL ADMINISTRATOR POSITION; EXAMINATION REQUIRED. (a) The Texas Commission on Law Enforcement shall develop and the commission shall approve an examination for a person assigned to the jail administrator position overseeing a county jail.

(b) The commission shall adopt rules requiring a person, other than a sheriff, assigned to the jail administrator position overseeing a county jail to pass the examination not later than the 180th day after the date the person is assigned to that position. The rules must provide that a person who fails the examination may be immediately removed from the position and may not be reinstated until the person passes the examination.

(c) The sheriff of a county shall perform the duties of the jail administrator position at any time there is not a person available who satisfies the examination requirements of this

section.

(d) A person other than a sheriff may not serve in the jail administrator position of a county jail unless the person satisfies the examination requirement of this section.

SECTION 4.02. Section 1701.253, Occupations Code, is amended by amending Subsection (j) and adding Subsection (n) to read as follows: commission shall require an officer to complete a 40-hour statewide education and training program on de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments. An officer shall complete the program not later than the second anniversary of the date the officer is licensed under this chapter or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier. An officer may not satisfy the requirements of this subsection [section] or Section 1701.402(g) by taking an online course on de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments.

(n) As part of the minimum curriculum requirements, the commission shall require an officer to complete a statewide education and training program on de-escalation techniques to facilitate interaction with members of the public, including techniques for limiting the use of force resulting in bodily injury.

SECTION 4.03. Section 1701.310(a), Occupations Code, is amended to read as follows:

(a) Except as provided by Subsection (e), a person may not be appointed as a county jailer, except on a temporary basis, unless the person has satisfactorily completed a preparatory training program, as required by the commission, in the operation of a county jail at a school operated or licensed by the commission. The training program must consist of at least eight hours of mental health training approved by the commission and the Commission on Jail Standards.

SECTION 4.04. Section 1701.352(b), Occupations Code, is amended to read as follows:

(b) The commission shall require a state, county, special district, or municipal agency that appoints or employs peace officers to provide each peace officer with a training program at least once every 48 months that is approved by the commission and consists of:

- (1) topics selected by the agency; and
- (2) for an officer holding only a basic proficiency certificate, not more than 20 hours of education and training that contain curricula incorporating the learning objectives developed by the commission regarding:
 - (A) civil rights, racial sensitivity, and cultural diversity;
 - (B) de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments; [and]
 - (C) de-escalation techniques to facilitate interaction with members of the public, including techniques for limiting the use of force resulting in bodily injury; and
 - (D) unless determined by the agency head to be inconsistent with the officer's assigned duties:
 - (i) the recognition and documentation of cases that involve child abuse or neglect, family violence, and sexual assault; and
 - (ii) issues concerning sex offender characteristics.

SECTION 4.05. Section 1701.402, Occupations Code, is amended by adding Subsection (n) to read

as follows:

(n) As a requirement for an intermediate proficiency certificate or an advanced proficiency certificate, an officer must complete the education and training program regarding de-escalation techniques to facilitate interaction with members of the public established by the commission under Section 1701.253(n).

SECTION 4.06. Not later than March 1, 2018, the Texas Commission on Law Enforcement shall develop and the Commission on Jail Standards shall approve the examination required by Section 511.00905, Government Code, as added by this article.

SECTION 4.07. (a) Not later than March 1, 2018, the Texas Commission on Law Enforcement shall establish or modify training programs as necessary to comply with Section 1701.253, Occupations Code, as amended by this article.

(b) The minimum curriculum requirements under Section 1701.253(j), Occupations Code, as amended by this article, apply only to a peace officer who first begins to satisfy those requirements on or after April 1, 2018.

SECTION 4.08. (a) Section 1701.310, Occupations Code, as amended by this article, takes effect January 1, 2018.

(b) A person in the position of county jailer on September 1, 2017, must comply with Section 1701.310(a), Occupations Code, as amended by this article, not later than August 31, 2021.

ARTICLE 5. MOTOR VEHICLE STOPS, RACIAL PROFILING, AND ISSUANCE OF CITATIONS

SECTION 5.01. Article 2.132, Code of Criminal Procedure, is amended by amending Subsections (b) and (d) and adding Subsection (h) to read as follows:

(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; [and]
- (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.

(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.

(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.

SECTION 5.02. Article 2.133, Code of Criminal Procedure, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(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; [and]

(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.

SECTION 5.03. Article 2.134(c), Code of Criminal Procedure, is amended to read as follows:

(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; [and]

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

(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.

SECTION 5.04. Article 2.137, Code of Criminal Procedure, is amended to read as follows:

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 [as described by Article 2.135(a)(1)(A)], 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 [as described by Article 2.135(a)(1)(A)]. 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 [as described by Article 2.135(a)(1)(A)], 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 [as described by Article 2.135(a)(1)(A)], 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 [installed] video and audio equipment and body worn cameras for those purposes [as described by Article 2.135(a)(1)(A) and is using the equipment as required by Article 2.135(a)(1)].

SECTION 5.05. Article 2.1385(a), Code of Criminal Procedure, is amended to read as follows:

(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 [the] amount not to exceed \$5,000 [of \$1,000] for each violation. The attorney general may sue to collect a civil penalty under this subsection.

SECTION 5.06. Article 2.135, Code of Criminal Procedure, is repealed.

SECTION 5.07. Articles 2.132 and 2.134, Code of Criminal Procedure, as amended by this article, apply only to a report covering a calendar year beginning on or after January 1, 2018.

SECTION 5.08. Not later than September 1, 2018, the Texas Commission on Law Enforcement shall:

(1) evaluate and change the guidelines for compiling and reporting information required under Article 2.134, Code of Criminal Procedure, as amended by this article, to enable the guidelines to better withstand academic scrutiny; and

(2) make accessible online:

(A) a downloadable format of any information submitted under Article 2.134(b), Code of Criminal

Procedure, that is not exempt from public disclosure under Chapter 552, Government Code; and
(B) a glossary of terms relating to the information to make the information readily understandable to the public. This Act takes effect September 1, 2017.

Senate Speaker of the House

I hereby certify that S.B. No. 1849 passed the Senate on May 11, 2017, by the following vote:
Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1849 passed the House on May 20, 2017, by the following vote:
Yeas 137, Nays 0, one present not voting.

ARTICLE 6. EFFECTIVE DATE

SECTION 6.01. Except as otherwise provided by this Act,

Approved:

Date

Governor

Chief Clerk of the House

**HIGHLAND PARK
DEPT. OF PUBLIC SAFETY
RACIAL PROFILING POLICY**

Racial/Bias-Based Profiling

326.1 PURPOSE AND SCOPE

The purpose of this policy is to reaffirm the Highland Park Department of Public Safety's commitment to unbiased policing in all its encounters with any person; to reinforce procedures that serve to ensure public confidence and mutual trust through the provisions of services in a fair and equitable fashion; and to protect our officers from unwarranted accusations of misconduct when they act within the dictates of departmental policy and the law.

326.2 DEFINITIONS

Bias - the selection of an individual based solely on a common trait of a group, including, but not limited to, race, ethnicity, gender, orientation, religion, economic status, age, and/or cultural background.

Bias-Based Profiling - a law enforcement-initiated action, detention or interdiction based solely on a trait common to a group of people, rather than on the individual's behavior and/or information tending to identify the individual as having engaged in criminal activity.

Race or Ethnicity - persons of a particular descent including Alaskan Native or American Indian, Asian or Pacific Islander, Black, Caucasian/White, or Hispanic/Latino.

Racial Profiling - a law enforcement initiated action based solely on an individual's race, ethnicity, and/or national origin, rather than on the individual's behavior and/or information tending to identify the individual as having engaged in criminal activity.

Motor Vehicle Contact - means an occasion in which a peace officer stops a motor vehicle for an alleged violation of law or ordinance or in response to a call for service.

326.3 POLICY

It is the policy of this department to police in a proactive manner and to aggressively investigate suspected violations of the law. Officers shall actively enforce local, state and federal laws to include traffic contacts, field/pedestrian contacts, and in asset seizure and forfeiture efforts in a responsible and professional manner, without regard to race, ethnicity, national origin, religion, gender, sexual orientation, economic status, age cultural group, disability, or affiliation with any other similar identifiable group. Officers are strictly prohibited from engaging in racial/bias based profiling as defined in this policy. Racial/bias based profiling is an unacceptable police tactic and will not be condoned. Moreover, this policy applies to police officer's actions with respect to all persons, whether those persons are drivers, passengers or pedestrians.

326.4 PROHIBITION

Officers of the Highland Park Department of Public Safety are strictly prohibited from engaging in racial/bias based profiling. The prohibition against racial/bias based profiling does not preclude the use of race, ethnicity or national origin as factors in a detention decision by an

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officer. Race, ethnicity or national origin may be legitimate factors in such a decision when used as part of a description of a suspect or witness for whom an officer is searching.

Officers of the Highland Park Department of Public Safety shall not engage in racial/bias based profiling based solely on gender, sexual orientation, economic status, age, cultural group, disability, or affiliation with any other similar identifiable group.

326.5 COMPLAINT PROCESS

No person shall be discouraged, intimidated or coerced from filing a complaint, or be discriminated against because they have filed a complaint.

Any person who believes that a peace officer employed by the Highland Park Department of Public Safety has engaged in racial/bias based profiling with respect to that person, may file a complaint with the provisions of the Personnel Complaint Policy.

- (a) An employee who is contacted regarding a complaint against an officer shall follow the Filing of Complaints policy.
- (b) Citizens who appear in person wishing to file a complaint shall be provided with a departmental brochure, brochures are maintained in the Highland Park Department of Public Safety lobby. Citizens may also be directed to the Departmental website to file a complaint.

Any supervisor who becomes aware of an alleged or suspected violation of this policy shall report the alleged violation in accordance with the Personnel Complaint Policy.

Complaints of racial/bias based profiling shall be investigated by the Internal Affairs Division, unless otherwise directed by the Director of Public Safety. A log of racial/biased based complaints will be maintained by the Secretary to the Director.

326.5.1 DISCIPLINARY AND CORRECTIVE ACTIONS

Any officer of this Department who is found, after investigation, to have engaged in racial/bias based profiling in violation of this policy may be subject to disciplinary action, up to and including termination. Disciplinary or corrective actions may include diversity, sensitivity or other appropriate training or counseling, as determined by the Director of Public Safety.

326.6 PUBLIC EDUCATION

This Department shall provide education to the public concerning the racial profiling complaint process. The primary method of public education shall be through the complaint brochures which are maintained in the lobby of the Highland Park Department of Public Safety. Other education methods may be utilized to inform the public, including news media, civic presentations, the internet, and/or public meetings.

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326.7 COLLECTION , ANALYSIS AND REPORTING OF INFORMATION WHEN CITATION OR WARNING ISSUED OR ARREST MADE

For each motor vehicle contact in which a citation or warning is issued and/or for each arrest resulting from a motor vehicle contact, the officer involved in the stop shall collect the following information:

(a) If the person contacted is a resident of the Town of Highland Park it shall be reflected in the data that is entered.

(b) The gender of the person being reported.

(c) Information identifying the race or ethnicity of the person detained. The following codes will be used to identify the individual's race:

A = Asian or Pacific Islander

B = Black

H = Hispanic or Latino

I = Alaska Native or American Indian

W= White/Caucasian

Note: If the person contacted does not state their race or ethnicity, the race or ethnicity will be determined by the officer to the best of their ability.

(d) Whether the officer knew the race or ethnicity of the individual before detaining them.

(e) Initial reason for the stop (i.e., warrant, dispatched, observable traffic violation, known criminal association).

(f) What the subject is charged with.

(g) Whether a search was conducted.

(h) If a search was conducted did the individual consent to the search.

(i) Number of instances (and description) related to contraband or other evidence discovered in the course of the search.

(j) Reason for the search:

i. Was contraband in plain view?

ii. Did probable cause or reasonable suspicion exist?

iii. Was search performed as a result of the towing of the motor vehicle or the arrest of any person in the motor vehicle?

(k) Information on arrests:

i. Was arrest made as a result of the stop or search?

ii. Was arrest based on a violation of the penal code?

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- iii. Was arrest based on a violation of a traffic law or ordinance?
- iv. Was arrest based on an outstanding warrant?

(l) Street address or approximate location of the stop

(m) Whether a written or verbal warning or citation was issued as a result of the stop.

(n) Whether the peace officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code ("means physical pain, illness, or any impairment of physical condition), during the stop.

The information collected shall be entered into a database utilizing the appropriate fields on the electronic ticket writers or computers available in the Department. All contacts requiring racial/bias based profiling data must be collected.

- (a) In the event the data is unable to be collected electronically (i.e. a handwritten citation is issued or a verbal warning is given and not entered into an electronic ticket writer), the data will be recorded on the appropriate form and forwarded with a copy of the citation to the Accreditation Manager for entry and tracking.

The Accreditation Manager shall ensure all racial/bias based profiling data is collected and reported to the Director of Public Safety. The data collected shall be compiled in an annual report covering the period January 1 through December 31 of each year, and shall be submitted to the Texas Commission on Law Enforcement and the governing body of the Town of Highland Park no later than March 1 of the following year. The report will include:

The annual report shall not include identifying information about any individual stopped or arrested, and shall not include identifying information about any peace officer involved in a stop or arrest.

326.8 AUDIO AND VIDEO EQUIPMENT

Each motor vehicle to include motorcycles regularly used by this department to make motor vehicle contacts shall be equipped with a mobile video camera system capable of recording video and audio, as well as individual body cameras issued to all officers

Each motor vehicle contact made by an officer of this department capable of being recorded by video and audio shall be recorded.

Supervisors and officers shall ensure that mobile and portable video cameras and audio equipment is properly functioning prior to commencing their tour of duty. Police units with malfunctioning or inoperable mobile video camera equipment shall not be utilized under normal circumstances.

Supervisors shall have the authority to assign units with malfunctioning or inoperable mobile video equipment when situations dictate. Officers assigned to such units shall collect and document the information listed in this policy for each motor vehicle contact. All documentation must be submitted to the officer's supervisor prior to the end of that officer's shift.

Racial/Bias-Based Profiling

326.9 REVIEW OF VIDEO AND AUDIO DOCUMENTATION

Each audio and video recording shall be retained for a minimum period of ninety (90) days, unless a complaint is filed alleging that an officer has engaged in racial/bias based profiling with respect to a motor vehicle contact. The Criminal Investigations Lieutenant shall ensure that all audio and recordings are properly stored and retained in accordance with applicable laws and this policy.

If a complaint is received alleging an officer has engaged in racial/bias based profiling, the audio/video recording shall be forwarded to the assigned Internal Affairs Investigator. The Internal Affairs Investigator shall retain the video until final disposition of the complaint has been made.

Each shift supervisor shall review a randomly selected sample of no less than three (3) video and audio recordings, made the previous quarter, in order to determine if patterns of racial/bias based profiling exist. The sample should include a combination of mobile and portable video and audio recordings. The Assistant Chief shall conduct the review of the Shift Captains and motorcycle units. These reviews shall be conducted quarterly and documented on the appropriate form.

- (a) Written documentation shall include:
 - 1. The employee number of the officer whose contacts were reviewed;
 - 2. The date(s) of the videos reviewed;
 - 3. The date the actual review was conducted; and
 - 4. The employee number of the supervisor conducting the review.
- (b) The Shift Captains shall forward the required documentation to the Assistant Chief for review.
- (c) The Assistant Chief shall forward the documentation to the Accreditation Manager who shall maintain a file of all video review documentation performed, in compliance with this policy.

In reviewing audio and video recordings, supervisors shall seek to determine if the officer(s) reviewed have engaged in a pattern of racial/bias based profiling, that includes multiple acts of constituting racial/bias based profiling for which there is no reasonable, credible explanation based on established police and law enforcement procedures.

326.10 TRAINING

Each peace officer employed by the department shall complete the comprehensive education and training program on racial/bias based profiling established by the Texas Commission of Law Enforcement not later than the second anniversary of the date the officer is licensed or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier.

The Chief of Police shall complete the program on racial profiling training required by Section 96.641, Texas Education Code, established by the Bill Blackwood Law Enforcement Institute of Texas (LEMIT) not later than the second anniversary of the appointment as chief.



For additional questions regarding the information presented in this report, please contact:

Del Carmen Consulting©
817.681.7840
www.texasracialprofiling.com
www.delcarmenconsulting.com

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**Town of Highland Park
Town Council Study Session
Tuesday, June 2, 2026**

Item Coversheet

**Review and discuss the development of the Fiscal Year 2026-27
Budget.**

PRESENTED BY: John Samford, Director of Finance

BACKGROUND:

In accordance with the Town Charter, staff prepares a proposed budget for the upcoming fiscal year. The Town Administrator must submit the proposed budget to the Town Council for review and consideration no later than 30 days before the end of the current fiscal year. The development of the annual budget is a collaborative process that incorporates input from Town departments, Town administration, citizens, stakeholders, and the Town Council.

The purpose of this agenda item is to provide an opportunity for staff to receive comments from the Town Council regarding the Fiscal Year 2026–27 Combined Operating and Capital Budget (the “FY27 Budget”) process, as well as any items the Town Council would like staff to evaluate, consider, or incorporate into the FY27 Budget. Although the Town Council will have further opportunities to provide direction as the FY27 Budget advances, this meeting is specifically intended to gather input while the proposed budget is still in development.

A copy of the current FY2025-26 Budget is available online at: <https://hptx.org/218/Annual-Budget>.

A copy of the FY27 Budget process calendar has been provided with this agenda item.

RECOMMENDATION

This item is presented for discussion purposes.

FINANCIAL IMPACT

This item has no financial impact at this time.

ATTACHMENTS

FY2026-27 Budget Process Calendar

Budget Calendar Fiscal Year 2026-27

Date	Activity
February 16	FY 2026-27 budget kick-off meeting with departments.
March 2	Deadline to provide exemption resolutions for 2026 (for appraisal notices) to the Dallas Central Appraisal District (DCAD).
March 9	Departments submit initial projections for FY 2025-26 revenues and expenditures to the Finance Department. Departments submit base budget requests to the Finance Department. This includes any requests for new or replacement capitalized fixed assets.
March 16	Departments submit any new programs to the Finance Department. Departments submit proposed changes to rates and fees in the Town's Master Fee Schedule. Departments submit proposed updates, changes, or revisions to the Town's Capital Improvement Plan.
Week of March 16	Meet and discuss the Town's 10-year Capital Improvement Plan with applicable Department Directors.
Week of March 23	Finance Department review of Departmental budget requests and updates, changes, or revisions to the Town's Capital Improvement Plan with Department Directors.
April 13	Departments submit revised projections of FY 2025-26 revenues and expenditures to the Finance Department. Departments submit updated program descriptions, accomplishments, objectives, and key performance indicators to the Director of Policy Development & Strategic Initiatives.
April 15	Receive preliminary (4/30) Certification Estimate Letter from DCAD
April 20	Deadline to provide exemption resolutions (to be reflected on 1st Estimated Values Report) to DCAD.
Week of April 20	Department meetings with Town Administrator on proposed budget requests.
May 4	Departments submit final projection of FY 2025-26 revenues and expenditures to the Finance Department.
May 5*	Review and discuss with the Town Council the progress of the FY 2026-27 budget process and the Council's priorities and expectations of the FY 2026-27 budget.
May 11	Receive preliminary EVR (Estimated Value Report) from DCAD.
June 2*	Review and discuss with the Town Council the progress of the FY 2026-27 budget process and the Council's priorities and expectations of the FY 2026-27 budget.
June 16*	Review and discuss with the Town Council any proposed updates, changes, or revisions to the Town's 10-year Capital Improvement Plan.
June 18	Deliver draft proposed budget and 10-year Capital Improvement Plan to Finance & Audit Advisory Committee.
June 23	Finance & Audit Advisory Committee meet to discuss draft proposed budget and 10-year Capital Improvement Plan to Finance & Audit Advisory Committee.

Date	Activity
June 30	FY 2026-27 Proposed Budget filed with the Town Secretary, delivered to the Town Council, and posted on the Town webpage.
July 1	Deadline to provide exemption resolutions (for certification) to DCAD.
July 7*	Review and discuss the Proposed Budget with the Town Council.
July 21*	Review and discuss the Proposed Budget with the Town Council.
July 25	Receive 2025 Certified Appraisal Roll from DCAD.
July 27	Deliver notice of the August 11 public hearing on the FY 2026-27 Proposed Budget to the newspaper. Provide notice to Town Secretary for publishing on website.
July 30	Publication of the notice for the August 11 public hearing on the FY 2026-27 Proposed Budget in the newspaper.
August 6	Submit certified No-New-Revenue and Voter Approval Rate to Council and post on Website.
August 11**	<i>Special Called Town Council meeting</i> Conduct public hearing on FY 2026-27 Proposed Budget. Review and discuss a proposal to set a preliminary property tax rate for Fiscal Year 2026-27. • Call a public hearing on the property tax rate on September 1. • Announce date and time of public hearing to adopt the tax rate on September 1. Town Council sets preliminary ad valorem tax rate. Call for a Voter Approval Tax Rate Election (VATRE) if the preliminary tax rate set by the Town Council exceeds the voter-approval tax rate.
August 18*	Review and discuss the Proposed Budget with the Town Council (<i>if necessary</i>).
August 21	Deliver notice of the September 1 public hearing on the FY 2026-27 property tax rate and vote to adopt the property tax rate to the newspaper and publish notice on the Town's website.
August 24	Last day to adopt a tax rate exceeding the voter-approval tax rate. This deadline only applies if the de minimis rate exceeds the voter-approval rate. Publication of the notice of the September 1 public hearing on the FY 2026-27 property tax rate and vote to adopt the property tax rate on the Town's website.
August 26	Publication of the notice of the September 1 Public Hearing on the FY 2026-27 property tax rate and vote to adopt the property tax rate in the newspaper.
September 1**	Conduct public hearing on the property tax rate. Town Council considers approval of: • Ordinance adopting the FY 2026-27 Proposed Budget and related Capital Improvement Plan (CIP). • Ordinance adopting the 2026 property tax rate for FY 2026-27. • Ratification of a property tax increase (If applicable) • Resolution approving the FY 2026-27 Master Fee Schedule. • Resolution approving the FY 2026-27 Pay Plan
September 4	Provide approved property tax ordinance and property tax rate to Dallas County Tax Office (DCTO) and the DCAD.

* Indicates a Town Council Study Session

** Indicates a Town Council Meeting



**Town of Highland Park
Town Council Study Session
Tuesday, June 2, 2026**

Item Coversheet

**Review and discuss the public safety implications related to the
FIFA World Cup 2026.**

PRESENTED BY: Chuck McGinnis, Director of the Department of Public Safety/Chief
Jacob Mowrey, Deputy Chief

BACKGROUND:

The 2026 FIFA World Cup will include matches in Arlington from June 12 through July 15, 2026. While no matches will be held in Highland Park, large international events have historically increased public safety needs in nearby communities due to watch parties, hotel occupancy, activity in dining and entertainment districts, and regional traffic redistribution. Additionally, Southern Methodist University has been designated as a primary training site for participating teams, which will further contribute to activity in the area. As a result, Highland Park should anticipate some level of impact.

The purpose of this discussion is to inform the Town Council of the potential impacts on the community; outline the plans in place to address these challenges while maintaining operational capacity and avoiding unsustainable personnel workloads; and provide an update on ongoing coordination and collaboration with federal, state, and local partners.

RECOMMENDATION

No action required. This is a discussion only.

FINANCIAL IMPACT

Staffing for FIFA will directly impact the DPS overtime budget.

ATTACHMENTS

None



**Town of Highland Park
Town Council Study Session
Tuesday, June 2, 2026**

Item Coversheet

Review and discuss the Highland Park On-Demand Pilot Program.

PRESENTED BY: Letecia McNatt, Director of Policy Development and Strategic Initiatives

BACKGROUND:

The Town launched the Highland Park On-Demand pilot program in partnership with Via on May 13, 2026. The program provides locally controlled, curb-to-curb transportation service within Highland Park and designations located within a one-mile buffer beyond town limits, including regional transit connections.

The six-month pilot program includes:

- Highland Park On-Demand shared microtransit service
- Highland Park Access paratransit service for eligible riders
- Community outreach and rider education initiatives
- Ongoing operational and performance monitoring

This agenda item is intended to provide Town Council with an operational update regarding implementation efforts, rider engagement, community outreach, service utilization, and early program observations.

RECOMMENDATION

No action required. This item is presented for discussion and informational purposes only.

FINANCIAL IMPACT

No action is requested as part of this agenda item.

ATTACHMENTS

None



**Town of Highland Park
Town Council Study Session
Tuesday, June 2, 2026**

Item Coversheet

Review, discuss, and consider the opportunity for a Town Council Member to request an item to be placed on a future Town Council Meeting agenda.

PRESENTED BY: Joanna Mekeal, Town Secretary

BACKGROUND:

This item is provided at the request of the Mayor for a member of the Town Council to request that an item be placed on a future Town Council study session agenda for discussion or consideration. Town Council discussion and consideration would be limited to including a potential agenda item and scheduling such on a future agenda. The agenda item would be included in the study session agenda of regular Town Council meetings.

RECOMMENDATION

Staff recommends approval of the inclusion of the agenda item for future regular Town Council meetings (not special or emergency).

FINANCIAL IMPACT

This item has no financial impact.

ATTACHMENTS

None