

CITY OF TEXAS CITY
REGULAR CALLED CITY COMMISSION MEETING

AGENDA

WEDNESDAY, FEBRUARY 16, 2022 - 5:00 P.M.
KENNETH T. NUNN COUNCIL ROOM - CITY HALL
1801 9th Ave. N.
Texas City, TX 77590

PLEASE NOTE: Public comments and matters from the floor are generally limited to 3 minutes in length. If you would like to request to speak, please do so in advance of the meeting by filling out a Request To Address Commission form. All in attendance are required to remove hats and/or sunglasses (dark glasses) during meetings and to also silence all cell phones and electronic devices.

(1) ROLL CALL

(2) INVOCATION

(3) PLEDGE OF ALLEGIANCE

(4) PROCLAMATIONS AND PRESENTATIONS

(a) Service Awards

| | | | |
|--------------|--------------|------------|----------|
| Irene Fattig | Water | 02/06/2012 | 10 years |
| James Frank | Public Works | 02/17/1997 | 25 years |

(5) REPORTS

(a) Racial Profiling Report (Marshal's Office)

(b) Racial Profiling Report for Calendar Year 2021 (Police Department)

(c) Crime Statistics Report for Calendar Year 2021 (Police Department)

(6) PUBLIC COMMENTS

(7) CONSENT AGENDA

(a) Approve City Commission Minutes for February 2, 2022 meeting. (City Secretary)

(b) Consider and take action on Resolution No. 2022-013, approving the Mosquito Control Program of the Galveston County Mosquito Control District to aerial spray over City territory. (Management Services)

- (c) Consider and take action on Resolution No. 2022-014, approving the purchase of two (2) Capital Equipment items for the Bayou Golf Course from Deere & Company, through Buyboard (Contract No. 611-20), a Local Government Purchasing Cooperative. (Recreation and Tourism)
- (d) Consider and take action on Resolution No. 2022-015, approving Bid No. 2022-009 Rental and Service of Portable Toilets. (Public Works)
- (e) Consider and take action on Resolution No. 2022-016, authorizing the Mayor to enter into an Engineering Agreement with ARKK Engineers for Lift Station 22 Replacement Project. (Public Works)
- (8) REGULAR ITEMS
- (9) COMMISSIONERS' COMMENTS
- (10) MAYOR'S COMMENTS
- (11) ADJOURNMENT

NOTICE OF ANY SUBJECT APPEARING ON THIS AGENDA REGARDLESS OF HOW THE MATTER IS STATED MAY BE ACTED UPON BY THE CITY COMMISSION.

NOTICE: The City of Texas City will furnish free transportation to handicapped individuals via a 4-door sedan for anyone wishing to attend the City Commission meetings. Call 948-3111, City Secretary's Office before noon on Monday preceding the meeting to make arrangements.

I, THE UNDERSIGNED AUTHORITY, DO HEREBY CERTIFY THAT THIS NOTICE OF MEETING WAS POSTED ON THE BULLETIN BOARDS AT CITY HALL, 1801 9TH AVENUE NORTH, TEXAS CITY, TEXAS, AT A PLACE CONVENIENT AND READILY ACCESSIBLE TO THE GENERAL PUBLIC AND ON THE CITY'S WEBSITE ON FEBRUARY 11, 2022, PRIOR TO 5:00 P.M. AND REMAINED SO POSTED CONTINUOUSLY FOR AT LEAST 72 HOURS PRECEDING THE SCHEDULED TIME OF SAID MEETING.

RHOMARI LEIGH
CITY SECRETARY

CITY COMMISSION REGULAR MTG

(4) (a)

Meeting Date: 02/16/2022

February 2022 Service Awards

Submitted For: Jennifer Price, Human Resources

Submitted By: Susan Sensat, Human Resources

Department: Human Resources

Information

ACTION REQUEST (Brief Summary)

Service Awards

| | | | |
|--------------|--------------|------------|----------|
| Irene Fattig | Water | 02/06/2012 | 10 years |
| James Frank | Public Works | 02/17/1997 | 25 years |

BACKGROUND

ANALYSIS

ALTERNATIVES CONSIDERED

Fiscal Impact

CITY COMMISSION REGULAR MTG

(5) (a)

Meeting Date: 02/16/2022

Submitted By: Rhomari Leigh, City Secretary

Department: City Secretary

Information

ACTION REQUEST (Brief Summary)

Racial Profiling Report (Marshal's Office)

BACKGROUND

ANALYSIS

ALTERNATIVES CONSIDERED

Fiscal Impact

Attachments

Staff Report



Texas City Marshals Office

2021 Annual Report

Presented: February 16, 2022



Racial Profiling Requirements

- Required to establish a policy:
 - * Defines racial profiling.
 - * Prohibits peace officers employed by the Marshals Office from engaging in racial profiling.
 - * Implements process for individuals to file a complaint.
 - * Provide education relating to compliment/complaint process.
 - * Requires appropriate corrective action against a peace officer shown to have engaged in racial profiling.
 - * Chief Administrator required to collect and report racial profiling statistics to TCOLE & local governing body.



Racial Profiling Report

- 2021 – Reporting Year
 - No traffic stops resulting in:
 - Verbal Warnings
 - Written Warnings
 - Citations
 - Arrest



2021 Goals

- Continue Emphasis on Warrants 4 Years and Older
- Focus on Defendants Residing Outside of Texas City
- Assist Court in Gaining Compliance to Judge's Orders
- Reduce Number of Outstanding Warrants
- Increase Number of Closed Cases
- Provide Increased Level of Security During Court Sessions



Warrant Stats

2021 Warrant Stats

Warrants Cleared – 5,011
4+ Years – 1,747 (35%)
Out of City – 3,216 (64%)

Value - \$1,538,609.26
Collected - \$939,205.20

Cases Closed – 3,756 (75%)

2020 Warrant Stats

Warrants Cleared – 3,488
4+ Years – 1,866 (53%)
Out of City – 1,056 (30%)

Value - \$721,183.15
Collected - \$555,739.77

Cases Closed – 3,185 (91%)



Warrant Inventory

- Total Number of Warrants
 - 23,815
- Total Value of Warrants
 - \$10,001,118.51



Questions?

CITY COMMISSION REGULAR MTG

(5) (b)

Meeting Date: 02/16/2022

Submitted By: Rhomari Leigh, City Secretary

Department: City Secretary

Information

ACTION REQUEST (Brief Summary)

Racial Profiling Report for Calendar Year 2021 (Police Department)

BACKGROUND

ANALYSIS

ALTERNATIVES CONSIDERED

Fiscal Impact

Attachments

Staff Report

The Texas City Police Department Annual Contact Report (2021)



Opening Statement

February 16, 2022

Distinguished Council Members
City of Texas City, Texas 77590

Dear Distinguished Council Members,

In 2001, the Texas legislature, in an attempt to address the issue of racial profiling in policing, passed the Texas Racial Profiling Law (S.B. 1074). Since becoming effective, the Texas City Police Department, in accordance with S.B. 1074, has collected citation-based contact data for the purpose of identifying and addressing (in the event it becomes necessary) concerns regarding racial profiling practices by police officers. During the 85 Legislative Session S.B. 1849 was passed into law broadening the reporting requirements within the Code of Criminal Procedure Article 2.131 and removing prior exemptions for agencies equipped with audio/video recording devices. The Texas City Police Department is now required to report contact information for all motor vehicle contacts, regardless of disposition.

In this annual report, you will encounter three sections that present information on motor vehicle-based contact data along with documentation which aims at supporting the fact that the Texas City Police Department has complied with The Texas Racial Profiling Law. In section 1 you will find the table of contents in addition to the Texas Law on Racial Profiling. Also, in this section, you will have the opportunity of becoming familiar with the list of requirements relevant to the Racial Profiling Law as established by TCOLE (Texas Commission on Law Enforcement). In addition, sections 2 and 3 contain documentation which demonstrates compliance by the Texas City Police Department with the Texas Racial Profiling Law. That is, documents relevant to the implementation of an institutional policy banning racial profiling, the implementation of a racial profiling complaint process (including the manner in which it has been disclosed to the public) and the training administered to all law enforcement personnel, are included.

This report provides statistical data relevant to motor vehicle contacts between 1/1/2021 and 12/31/2021. This information has been analyzed to compare outcome results for search rates, contraband hits, and employee intrapopulation comparison amongst racial categories. In addition, this section includes a TCOLE racial profiling report form, which is required to be submitted to this particular organization by March 1st of each year. The final analysis and recommendations are also included.

I am hopeful that the findings presented in this report support the notion that the Texas City Police Department is committed to the identification and resolution of all issues relevant to racial profiling.

Sincerely,



Joe A. Stanton, Chief of Police

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- b) Educational Campaign Relevant to the Complaint Process—
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- d) Report on Complaints Filed Against Officers for Violating the Racial Profiling Law
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- b) Contact Information

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- a) TCOLE Racial Profiling Report
- b) TCOLE Power BI Accumulated Data

Guidelines for Compiling and Reporting Racial Profiling Data

Background

Senate Bill 1074 of the 77th Legislature established requirements in the Texas Code of Criminal Procedure (TCCP) for law enforcement agencies. The Texas Legislature amended the collection and reporting standards with House Bill 3389, House Bill 3051, and Senate Bill 1849. This section provides a list of current standards 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.
- requires the posting of data online for public download

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 any person operating the motor vehicle who is detained as a result of the stop, including:
 - the person's gender; and
 - 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;
- the initial reason for the stop;
- whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;
- whether any contraband or other evidence was discovered in the course of the search and a description of the contraband or evidence;
- the reason for the search, including whether:
 - any contraband or other evidence was in plain view;
 - any probable cause or reasonable suspicion existed to perform the search; or
 - the search was performed as a result of the towing of the motor vehicle or the arrest of any person in the motor vehicle;

Commentary

The information required by 2.133 TCCP is used to complete the agency reporting requirements found in Article 2.134.

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 1849 from the 85th 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 motor vehicle stops and removed tier one exemptions. Detained is defined as when a person stopped is not free to leave.

Article 2.134 TCCP requires the agency to compile and provide and 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.

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. Reports are reported to the county or municipality not later than March 1 for the previous calendar year beginning March 1, 2003. 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. The report must also be made available online and available for public download.

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

Commentary

Senate Bill 1849 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.
- Citations must contain information relating the department's compliment and complaint process to include: email, address, phone number

The Texas Law on Racial Profiling

SENATE BILL 1849

“The Sandra Bland Act”

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;

(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;

(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;

(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, including specifying criteria to prioritize funding or equipment provided to law enforcement agencies. The criteria may include consideration of tax effort, financial hardship, available revenue, and budget surpluses. The criteria must give priority to:

- (1) law enforcement agencies that employ peace officers whose primary duty is traffic enforcement;
- (2) smaller jurisdictions; and
- (3) municipal and county law enforcement agencies.

(b) The Department of Public Safety shall collaborate with an institution of higher education to identify law enforcement agencies that need funds or video and audio equipment for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras. The collaboration may include the use of a survey to assist in developing criteria to prioritize funding or equipment provided to law enforcement agencies.

(c) To receive funds or video and audio equipment from the state for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras, the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency needs funds or video and audio equipment for that purpose.

(d) On receipt of funds or video and audio equipment from the state for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or

equipping peace officers with body worn cameras, the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency has taken the necessary actions to use and is using video and audio equipment and body worn cameras for those purposes.

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 amount not to exceed \$5,000 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.

ARTICLE 6. EFFECTIVE DATE

SECTION 6.01. Except as otherwise provided by this Act, this Act takes effect September 1, 2017.

Responding to the Law

Institutional Policy on Racial Profiling

**TEXAS CITY POLICE DEPARTMENT
GENERAL ORDERS**

PATROL

P-15

Racial or Bias Based Profiling with or without Cameras

15.1 PURPOSE

The purpose of this policy is to reaffirm the Texas City Police Department's commitment to unbiased policing in all its encounters between officer and any person; to reinforce procedures that serve to ensure public confidence and mutual trust through the provision 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.

15.2 POLICY

- A. [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 state and federal laws in a responsible and professional manner, without regard to race, national origin, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group. Officers are strictly prohibited from engaging in racial or bias based profiling as defined in this policy. This policy shall be applicable to all persons, whether drivers, passengers or pedestrians.]^{BPS 2.01}

- B. [Officers shall conduct themselves in a dignified and respectful manner at all times when dealing with the public. Two of the fundamental rights guaranteed by both the United States and Texas Constitutions are equal protection under the law and freedom from unreasonable searches and seizures by government agents. The right of all persons to be treated equally and to be free from unreasonable searches and seizures must be respected. Racial or bias based profiling is an unacceptable patrol tactic and will not be condoned.]^{BPS 2.01}

- C. This policy shall not preclude officers from offering assistance, such as upon observing a substance leaking from a vehicle, a flat tire, or someone who appears to be ill, lost or confused. Nor does this policy prohibit stopping someone suspected of a crime based upon observed actions and / or information received about the person.

15.3 DEFINITIONS

- A. [Racial or bias based profiling
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.

1. Racial or bias based profiling pertains to persons who are viewed as suspects or potential suspects of criminal behavior. The term is not relevant as it pertains to witnesses, complainants or other citizen contacts.
2. The prohibition against racial or bias based profiling does not preclude the use of race, national origin, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group as factors in a detention decision. Race, national origin, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group may be legitimate factors in a detention decision when used as part of an actual description of a specific suspect for whom an officer is searching.
3. Detaining an individual and conducting an inquiry into that person's activities simply because of that individual's race, national origin, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group is racial or bias based profiling.
4. Examples of racial or bias based profiling include, but are not limited to the following:
 - a. Citing a driver who is speeding in a stream of traffic where most other drivers are speeding because of the cited driver's race, national origin, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group.
 - b. Detaining the driver of a vehicle based on the determination that a person of that race, national origin, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group is unlikely to own or possess that specific make or model of vehicle.
 - c. Detaining an individual based upon the determination that a person of that race, national origin, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group does not belong in a specific part of town or a specific place.
5. A law enforcement agency can arrive at two conclusions from the adoption of this definition of racial or bias based profiling:
 - a. Police may not use racial or ethnic stereotypes as factors in selecting whom to stop and search, while police may use race in conjunction with other known factors of the suspect.
 - b. Law enforcement officers may not use racial or ethnic stereotypes as factors in selecting whom to stop and search. Racial or bias based profiling is not relevant as it pertains to witnesses, etc] *BPS2.01*

B. Race or Ethnicity

Of a particular descent, including Caucasian, African, Hispanic, Asian, or Native American.

C. Pedestrian Stop

An interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.

D. Traffic Stop

A peace officer stops a motor vehicle for an alleged violation of a law or ordinance regulating traffic.

15.4 TRAINING

- A. [Officers are responsible to adhere to all Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) training and the Law Enforcement Management Institute of Texas (LEMIT) requirements as mandated by law.]^{BPS2.01}
- B. All officers shall complete a TCLEOSE training and education program on racial or bias based profiling not later than the second anniversary of the date the officer is licensed under Chapter 1701 of the Texas Occupations Code or the date the officer applies for an Intermediate proficiency certificate, whichever date is earlier. A person, who on September 2, 2001, held a TCLEOSE Intermediate proficiency certificate, or who had held a Peace Officer License issued by TCLEOSE for at least two years, shall complete a TCLEOSE training and education program on racial or bias based profiling not later than September 1, 2003.
- C. The Chief of Police, as part of the initial training and continued education for such appointment, will be required to attend the LEMIT program on racial or bias based profiling.
- D. An individual appointed or elected as a police chief before the effective date of the Act, shall complete the program on racial or bias based profiling established under Subsection (j), Section 96.641, Education Code, as added by this Act, not later than September 1, 2003.

15.5 COMPLAINT INVESTIGATION

Refer to General Orders A-13, Personnel Complaint Procedures.

15.6 PUBLIC EDUCATION

This Department will inform the public of its policy against racial or bias based profiling and the complaint process. Methods that may be utilized to inform the public are the new media, radio, service or civic presentations, the Internet, as well as governing board meetings. Additionally, information will be made available as appropriate in languages other than English.

15.7 CITATION DATA COLLECTION AND REPORTING

- A. An officer is required to collect information relating to traffic stops in which a citation is issued. On the citation, officers must include:
1. The violator's race or ethnicity;
 2. Whether a search was conducted;

3. Was the search consensual; and
 4. Arrest for this cited violation or any other violation.
- B. By March 1st of each year, the Department shall submit a report to their governing body that includes the information gathered by the citations from the preceding calendar year. The report will include:
1. A breakdown of citations by race and ethnicity;
 2. Number of citations that resulted in a search;
 3. Number of searches that were consensual, and
 4. Number of citations that resulted in custodial arrest for this cited violation or any other violation.

15.8 USE OF VIDEO AND AUDIO EQUIPMENT

- A. Each motor vehicle regularly used by this Department to make traffic and pedestrian stops is equipped with a video camera and transmitter-activated equipment, or the officer's body camera, and
- B. Each traffic and pedestrian stop made by an officer of this Department that is capable of being recorded by video and audio, or audio, as appropriate, is recorded.
- C. At no time will any recordings (audio/video) of incidents that occur during an officer's tour of duty be duplicated without the permission of the Chief of Police or his designee.
- D. Supervisors will ensure officers of this Department are recording their traffic and pedestrian stops. At least three recordings of each officer will be reviewed randomly each quarter (3 months).
- E. *If the equipment used to record audio and / or video of traffic or pedestrian stops is malfunctioning or otherwise not operable, the officer making the stop shall properly record and report the information as required.

15.9 COLLECTION AND REPORTING INFORMATION GATHERED FROM TRAFFIC AND PEDESTRIAN STOPS

- A. An officer who stops a motor vehicle for an alleged violation of a law or an ordinance regulating traffic, or who stops a pedestrian for any suspect offense, shall record and report the following information:
 1. A physical description of each person detained as a result of the stop, including:
 2. The person's gender;
 3. The person's race or ethnicity, as stated by the person, or as determined by the officer to the best of his or her ability.
 4. The street address or approximate location of the stop. The suspected offense or the traffic law or ordinance alleged to have been violated.
 5. Whether the officer conducted a search as a result of the stop, and if so, whether the person detained consented to search.

6. Whether probable cause to search existed, and if so, the fact(s) supporting the existence of that probable cause.
 7. Whether any contraband was discovered in the search, and if so, the type of contraband discovered.
 8. Whether the officer made an arrest as a result of the stop and/or search, and if so, a statement of the offense charged.
 9. Whether the officer issued a warning or citation as a result of the stop, and if so, a statement of the offense charged.
- B. The Departmental Analyst shall compile and analyze the information contained in these individual reports received from the Municipal Court. Not later than March 1st of each year, this Department shall submit a report to our governing body containing the information compiled from the preceding calendar year in a manner they approve. This report will include:
1. A comparative analysis of the information contained in the individual reports in order to:
 - a. Determine the prevalence of racial or bias based profiling by officers in this Department; and
 - b. Examine the disposition of traffic and pedestrian stops made by this Department's officers, including searches resulting from stops.
 2. Information relating to each complaint filed with this Department alleging racial or bias based profiling.
- C. This report will not include identifying information about a peace officer who makes a stop or about an individual who is stopped or arrested by a peace officer.

Authority:



Joe A. Stanton, Chief of Police

Complaint Process: Informing the Public and Addressing Allegations of Racial Profiling Practices

Informing the Public on the Process of Filing a Racial Profiling Complaint with the Texas City Police Department

Since January 1, 2002, the Texas City Police Department, in accordance to The Texas Racial Profiling law, launched an educational campaign aimed at informing the public on issues relevant to the complaint process. The police department made available a form based website with information relevant to filing a complaint on a racial profiling violation by a Texas City police officer.

The Texas City Police Department included language, in its current complaint process, pertaining to the manner in which citizens can file a complaint as a consequence of a racial profiling incident. 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.

The screenshot shows the Texas City Police Department website. At the top left is the seal of the City of Texas City, Texas, established in 1911. To the right of the seal is the text "Texas City" in a large, stylized font, with "EST. 1911" below it. In the top right corner, there is a search bar with the text "Search..." and a magnifying glass icon. Below the header, there are navigation links for "Residents", "Business", "Visitors", and "Departments". The main content area is titled "Office of Professional Standards" and features a sub-heading "Complaint Against a Police Officer". Below this, there is a paragraph of text: "If you have a complaint against a City of Texas City police officer, [please print out this form](#), fill it out and submit it to the Texas City Police Department." Another paragraph follows: "You may email it to [Professional Standards](#) or mail it to TCPD/Office of Professional Standards, 1004 9th Ave. N., Texas City, TX 77590. It can also be dropped off at the front desk in the lobby of Texas City Police Department." On the left side of the page, there is a vertical menu with various links: "Police Dept. - Home", "Administration", "Animal Control", "Community Services", "Crime Stoppers", "Crime Victim Services", "Criminal ID & Records", "Criminal Investigations", "Forms", "Police 2 Citizen", "Patrol Division", "Permits", "Professional Standards", "Recruiting", "Reports", "Sex Offender Registration", "Training", "Warrants", "Related Links", and "Contact Us".

Racial Profiling Training

Racial Profiling Training

Since 2002, all Texas City police officers were instructed, as specified in H.B. 3389, 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 Texas City Police Department have completed the TCOLE basic training. The main outline used to train the officers of Texas City Police Department has been included in this report.

It is important to recognize that the Chief of the Texas City Police Department 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 Texas City Police Department fulfills the training requirement as specified in the Education Code (96.641) of the Texas Racial Profiling Law.

Racial Profiling Part 1



RACIAL PROFILING

Introduction

Welcome

Welcome to Racial Profiling! This course is designed to enhance your ability to perform your role in your policing efforts so that you are able to consider key issues pertaining to racial profiling.

Course Instructions

This course provides instruction in a linear format, including evaluation and knowledge checks. Please read each page and review the corresponding materials thoroughly.

The course consists of the following components:

- Course Instructions
- Course Sections
- Knowledge-Check Quizzes
- Course Summary
- Final Exam

Please note that the Knowledge-Check Quizzes which appear after each section will not be graded. The Final Exam section of the course will be graded. If you do not pass the final exam, you are allowed to retake the exam two additional times. Also, keep in mind that your progress through the course is tracked and if you log out, you will be able to log in at a later date and continue the course from where you left off.

Once you have started a course, courses in progress are listed in My Dashboard of your account.

Course Overview



This one hour course introduces key considerations regarding racial profiling including the practice of using race or ethnicity as a basis for law enforcement investigative procedures. Racial profiling impacts policy, liability, and the success of community policing efforts. This course is designed to help law enforcement officers understand the impact of racial profiling and utilize best practices in the context of constitutional rights and current race relations in the United States.

Learning Objectives

At the end of this lesson, the learner will be able to:

- Identify the issues related to racial profiling, law enforcement and police effectiveness
- Recognize the differences between racial profiling and reasonable suspicion
- Explore key legal issues for law enforcement regarding racial profiling
- Ascertain best practices for traffic stops and field interviews which stop racial profiling and reduce civil liability



Course Content



Lesson 1: Racial Profiling and Law Enforcement

RACIAL PROFILING AND LAW ENFORCEMENT

Race is an important topic for law enforcement, especially in our current cultural context. Consideration of race issues in law enforcement is an ongoing conversation, which challenges us to consider numerous issues which can impact relationships between police and community members.

When an officer stops an individual simply because of perceived race, ethnicity, origin, or religion, it violates the U.S. Constitutional promise of equal protection under the law without unreasonable search and seizure as protected by the Fourth and Fourteenth Amendments. In this lesson, you will review important information about race relations in the United States relevant to current laws and policing practices.

Reflecting on Change

No matter what your political perspective, consider the changes that have happened in the United States over 229 years since our Constitution was ratified. On Tuesday, November 4th, 2008, American voters chose Barack Obama as the 44th president of the United States. Through the power of their votes, Americans had once again brought about a peaceful transfer of government without the upheaval and unrest that often accompanies changes in power in other parts of the world. Nevertheless, the election of 2008 did mark a revolutionary change because something occurred that had never taken place in all the years of our nation's history.

For the first time, US voters chose an African-American to be their president. Members of the press, members on both sides of Congress, as well as average Americans on the street considered the election a pivotal moment in the history of race relations in our country. Older Americans who had grown up witnessing segregation were now bearing witness along with the rest of the world to an extraordinary event.



Race is an Issue



As historic as this event was, it was also evidence of something that can be uncomfortable to talk about. In the United States race remains a volatile issue. While the election of an African-American president was exciting news and marked a significant cultural change, it doesn't reduce the importance of racial profiling.

Despite major changes since the founding of our country, minority citizens still face unique challenges, despite being given equal protection under the Constitution. From educational access to job opportunities and many other issues, race matters and impacts society in the United States, creating important considerations for law enforcement.

A Brief History of Race Relations in the United States (Part 1)



While race remains an issue, the United States is much different from what it was 50 years ago, particularly in certain areas of the country. Even leading into the 1960s, when the Civil Rights Act of 1964 and the Fair Housing Act of 1968 helped usher in an era of greater equality in terms of housing and education for African-Americans, discriminatory practices based on a person's race were often the rule rather than the exception.

For example, in 1954, the United States Supreme Court ruled in *Brown v. Board of Education of Topeka, Kansas* that the education of black children in separate public schools from their white counterparts was unconstitutional. Despite that ruling, it required the intervention of President Dwight Eisenhower and the Arkansas National Guard for nine African

American students to attend Central High in Little Rock, Arkansas.

A Brief History of Race Relations in the United States (Part 2)



On December 1, 1955, an African-American woman named Rosa Parks refused to give up her seat on a public bus to make room for a white passenger. She was arrested, tried, and convicted for disorderly conduct and violating a local ordinance. In response, 50 African-American leaders gathered and organized the Montgomery Bus Boycott to protest the segregation of blacks and whites on public buses. With the support of 40,000 African-American citizens in Montgomery, the boycott led to a civil suit which went all the way to the Supreme Court which ruled that segregation on public transportation was against the law. The boycott lasted 381 days until the local ordinance segregating African-Americans and whites on public buses was lifted.

A Brief History of Race Relations in the United States (Part 3)



Other important cases leading up to the passage of the Civil Rights Act in 1964 also addressed discriminatory practices towards African-Americans and highlight how tense race relations have been throughout our history.

On February 1, 1960, four students, Ezell A. Blair Jr., David Richmond, Joseph McNeil, and Franklin McCain, all students from North Carolina Agricultural and Technical College, sat down at the segregated lunch counter at a Woolworth's store in Greensboro, North Carolina to protest Woolworth's policy of excluding African-Americans from dining in their store. These protests inspired other restaurant sit-ins in Richmond, Virginia; Nashville, Tennessee; Atlanta, Georgia and other cities across the south. In many instances, local authority figures used brute force to escort demonstrators from the lunch facilities.

In 1962, James Meredith won a lawsuit that allowed him admission to the University of Mississippi. He attempted to enter campus on September 20, on September 25, and again on September 26. Each time he was blocked by Mississippi Governor Ross R. Barnett who proclaimed, "No school will be integrated in Mississippi while I am your Governor." Barnett was later held in criminal contempt of the US Supreme Court. Violent student protests attempted to prevent Meredith from attending and President John F. Kennedy ordered the Mississippi National Guard and federal troops to stabilize the area allowing Meredith to enroll, making history.

Events Impacting Race Relations (Part 1)

Though the civil rights struggles of the 1960s took place half a century ago, the United States continues to be challenged by racial tension.

The events of September 11th, 2001 changed our country dramatically in a number of ways. As the identities of the terrorists became known to the public, as well as their connection with Al Qaeda, the terrorist organization led by Osama Bin Laden. Young males of Arab or Middle Eastern descent found themselves objects of mistrust by a large segment of the American public and under watchful scrutiny by both local and federal authorities.

This time period illustrated how fear can influence people to make judgments based on stereotypes. For example, according to the Department of Justice Civil Rights Division, many men of the Sikh religion, who traditionally wear turbans on their heads, were subjected to similar treatment, despite the fact that they were neither Arab, Middle Eastern, or followers of Islam, but Indian in descent. Judged only for their appearance, they experienced discrimination even though they had nothing in common with the 9/11 terrorists. This part of history highlights how cultural intelligence and awareness is very important as it helps build trust within communities.



Events Impacting Race Relations (Part 2)

Racial conflicts, particularly where law enforcement is involved, make headlines. News helicopters and private citizens with video cameras have, over the years, captured scenes of law enforcement officers using excessive force during situations involving minority suspects, one of the most notable being the Rodney King case of 1991.

In recent years, stops and searches in minority communities have also developed an unfavorable perception after the highly-publicized shootings of minority individuals by law enforcement officers, leading to protests which have also brought the topic to the forefront of police and citizens. According to Doug Wyllie from PoliceOne, events like the 2014 fatal shooting of African-American Michael Brown in Ferguson, Missouri, as well as police ambush attacks in Dallas and Baton Rouge, have impacted police officer perceptions as well, leaving many with the feeling that they are under attack



Issues of Race in Law Enforcement

This brings our attention to the basis for this course: racial profiling. Before we can begin a discussion on racial profiling, it's important that we define it. For purposes of this course, racial profiling is a "discriminatory practice targeting individuals for suspicion of a crime based on the individual's race, ethnicity, religion or national origin." This is not to be confused with criminal profiling, a distinction which we will address later in the course.

When an officer stops an individual simply because of perceived race, gender, origin, or religion, it violates the U.S. Constitutional promise of equal protection under the law without unreasonable search and seizure as protected by the Fourth and Fourteenth Amendments. This is not only harassment for the individual, but it is also a liability for officers, who are subject to civil and criminal actions in state and federal courts. As you will explore in this course, police procedures during traffic stops and field interviews can reduce tension and improve trust among citizens.



Lesson 1 Summary



As we have seen, race is an important topic in the United States for law enforcement. Our country has a history of civil rights laws protecting individuals from discrimination. Public perception of race and police action can impact relationships between police and community members. Officers cannot stop an individual simply because of perceived race, ethnicity, origin, or religion due to constitutional protections. As we will discuss, race relations in the United States is relevant to policing practices which can reduce tension and improve trust within communities.

Course Content



Lesson 2: Racial Profiling and the Law



In order to best approach policing in the United States, it's essential for all law enforcement officers to fully understand the legal basis for the prohibition of racial profiling. In this lesson, we will consider how race is defined in the United States, definitions of racial profiling, and major Supreme Court cases informing policing practices and policies.

Racial Definitions

According to the United States Census Bureau, "an individual's response to the race question is

based upon self-identification" with socially recognized categories such as Black, White, Asian, Pacific Islander, and Hispanic. However, these categories are not based on "biology, anthropology or genetics." Furthermore, individuals can indicate more than one race to reflect heritage or write in their identity in a space provided.

Ethnicity is the best term to describe people of a specific culture based on geographic origin, language, religion or customs. It's important to remember that visible differences between individuals alone do not reveal ethnicity. Furthermore, it is also possible for people to have heritage from one ethnicity but practice a lifestyle which could be entirely different from those traditionally associated with that ethnic group. These are some of the reasons that cultural stereotypes are problematic, especially if they are negative.



Definition of Racial Profiling



The Maryland Police and Correctional Training Commissions defines racial profiling as "any police street or traffic stop, based solely on racial or ethnic stereotypes that has the end results of treating minorities significantly differently from non-minority citizens," describing it as a "volatile issue [that] can effectively polarize police agencies and the communities they serve."

In 2001, President George W. Bush issued further Federal guidelines prohibiting racial profiling specifically prohibiting the stereotyping of certain races for having a greater propensity to commit crimes. This mandate requires routine patrols to be carried out without consideration of race or ethnicity and permits the use of race in federal investigations only when it is thoroughly credible regarding identified criminal activity.

According to the 2003 Department of Justice Fact Sheet on Racial Profiling, "racial profiling sends the dehumanizing message to our citizens that they are judged by the color of their skin and harms the criminal justice system by eviscerating the trust that is necessary to effectively protect our communities." Even after the terrorist attacks on September 11, 2001, the Justice Department policy limits or restricts federal law enforcement to the limits of the US Constitution.

US Court Findings on Racial Profiling

To understand how the constitutional laws play a role in police work, it is important to look at key decisions impacting law enforcement on this topic. There are two primary US Supreme Court cases that are most relevant to the prohibition of racial profiling.

The first is US Supreme Court case *Whren v. the United States* 517 U.S. 806, 116 S. Ct. 1769 (1996) which found that police can stop a vehicle with probable cause believing a traffic violation has occurred; in this situation that stop is constitutional. However, if the stop was based on "selective enforcement" based on race or ethnicity, the stop could be challenged in a court of law based on the equal protection clause of the 14th Amendment.

Another significant case, *Terry v. Ohio* 392 U.S. 1, 99 S. Ct. 1868 (1968), established police discretion in many stop or frisk cases, but held that individuals could be stopped and investigated briefly without probable cause for an arrest only if the officer had reasonable suspicion "defined as articulable facts that would lead a reasonable officer to conclude that criminal activity" is taking place.



These are only two important court cases relevant to the investigating and searching of U.S. citizens among many. In every case, local police officers must consider not only their police discretion and probable cause, they must also consider the local laws, ordinances, their agency policies, procedures and numerous other considerations.

Policies Informed by the Law

Ultimately, racial profiling is not an acceptable practice in current law enforcement, despite prior police practices. Federal, state, and municipal policies prohibit the targeting of a person or a group solely based on their race, gender or background.

Law enforcement departments are frequently required by law to provide training on racial profiling to officers and police chiefs. In addition, each department will have their own process for addressing complaints, corrective action, collection of traffic stop statistics and annual reporting on racial profiling.

Across the country, departmental policies will reflect US Supreme Court findings reflecting that when law enforcement acts, it must be due to a violation of a law. According to the Maryland Police and Correctional Training Commission, police officers can only act "based on what people do, not what they look like".



Lesson 2 Summary



As you can see, no matter what a person's race or ethnicity, the United States protects them from being targeted by law enforcement based on their appearance or origin. Cases involving investigation and search of citizens based on race or appearance alone have been litigated at the Supreme Court level, informing federal, state, and local law enforcement policies. Police cannot act solely based on the race, ethnicity, origin, or religion of an individual in traffic stops and field interviews. Racial profiling is patently unacceptable and an unjust and unfair application of the law.

In summary, policing in the United States occurs in the context of the US Constitution and the legal limits on racial profiling. Race is connected to ethnicity, but it is not acceptable as a basis for stereotypes about appearance and behavior of individuals. Police practices and policies are focused on behaviors, not appearance.

Course Content



Lesson 3: Problems Created by Racial Profiling



As often cited in national and local news coverage, many minority Americans feel they are unfairly and unjustly seen as criminal suspects. Though media and public perceptions are one part of the story, law enforcement agencies also identify problems with the practice of racial profiling.

The Texas Commission on Law Enforcement describes racial profiling as “self-fulfilling bad logic” and highlights how “a racially based stop today can throw suspicion on tomorrow’s legitimate stop”. In this lesson we will consider problems created by racial profiling affecting police effectiveness and community perception.

Logical Arguments Against Racial Profiling

Traffic stops can be based on observations of criminal behavior and reasonable suspicion, but it must not be based on cultural stereotyping or racism. Consider one situation where racial profiling is an issue within drug interdiction efforts, where police are looking for drug couriers. The practice of racial profiling reinforces stereotypes that drug distribution and sales are predominantly committed by minorities.

One of the logical problems with looking specifically for minorities is that although you will find minority criminals, you will miss all the others. If you concentrate on traffic stops in minority communities, for example, you will unfairly target minority individuals.

Another problem is that if you are actively targeting minority individuals, your statistics will seem to match your profile. In other words, minority individuals will become disproportionately caught in criminal activities, which reinforces your initial stereotype. This is known as a “self-fulfilling prophecy” or confirmation bias, which is an error in logic.

According to the Maryland Police and Correctional Training Commission, when you employ stereotypes against minorities, the problem then becomes that you have not only targeted criminals, but you have actively targeted innocent minority individuals, based entirely on their race or background, forcing them to be “arbitrarily stopped, detained questioned, and humiliated by this practice.”

Though racial profiling may result in criminal arrests, it’s important to realize this is because there can be criminals in any group of people. Furthermore, the practice can breed distrust and anger toward law enforcement not only from minorities but also from the general public.



Community Impact of Racial Profiling

Law professor David Harris documented research on the prevalence of racial profiling in his 1999 ALCU report titled “Driving While Black: Racial Profiling on Our Nation’s Highways” highlighting both federal and academic research studies demonstrating that the color of a person’s skin does put them more at risk for search and seizure without probable cause. This perceived police practice has been called “DWB” or “Driving While Black” or “Driving While Brown.”

Americans who are stopped without cause can not only have their rights violated, they can also be humiliated and terrified, unsure of how to respond. The experience of minorities stopped for “DWB” is so widely known, Harris explains, minority parents explain the concern to their children. In general, “DWB” creates fear and doubt within the community about the ability of the police to protect their safety.

Essentially, there are significant social costs to racial profiling, including a loss of trust and confidence in the criminal justice system.

According to the United States Office of Justice Programs National Institute of Justice, “research verifies that people of color are more often stopped than whites.” Reasons for this disparity have also been researched. For example, minority drivers may use thoroughfares through neighborhoods with a different ethnic background, which would cause them to be unfairly targeted. Minority drivers could also be exposed more frequently to police if there are more police patrols in their community, due to the fact that the police are more likely to notice driver infractions. Research about traffic stops and race are continuing to evolve, exploring other sources of traffic stops, such as stoplight cameras, but studies have not yet conclusively explained the disparity, given numerous factors involved such as length of stop, rate of search, context, time, and location of stop. One thing is clear, to citizens, personal interactions with the police have a strong impact on people and research shows that minorities feel singled out based on race or ethnicity.



A 2014 Gallup Review Poll on perceptions of police indicated black and white citizens in the United States have different perceptions of police honesty, ethics and treatment by police. One in four black men between the ages of 18-34 reported they had been treated unfairly by police within the past 30 days. Overall, the American public tends to disapprove of racial profiling,

approximately 70% in 2014 in a Reason-Rupe Poll, but consider race relations to be poor in our country; 60% in 2015, according to a New York Times/CBS News Poll.

Lesson 3 Summary

As we've discussed in this lesson, although you may hear arguments that racial profiling will result in criminal arrests, this effect is based on confirmation bias. Law enforcement officers recognize that there can be criminals in any group of people. Furthermore, the practice of racial profiling creates distrust and anger towards law enforcement, reducing police effectiveness. The social costs to racial profiling, including a loss of trust and confidence in the criminal justice system, are simply not acceptable.



Course Content



Lesson 4: Reasonable Suspicion vs. Racial Profiling

REASONABLE SUSPICION VS. RACIAL PROFILING

In this lesson, we will consider the differences between reasonable suspicion and racial profiling. Racial profiling complaints are typically alleged in the context of traffic stops and during field interviews. For law enforcement officers, issues arise when a legal violation is not the reason the officer stopped the car or the individual. Law enforcement agencies are increasingly facing litigation for acting on a citizen's race or ethnicity, instead of a citizen's actions. The important distinction between reasonable suspicion and racial profiling, and how it differs from criminal profiling, will also be presented here.

Reasonable Suspicion



While it is common to use perceived race in a description of a wanted suspect, for example, it is not acceptable to use race or ethnicity as the sole basis for a traffic stop or field interview.

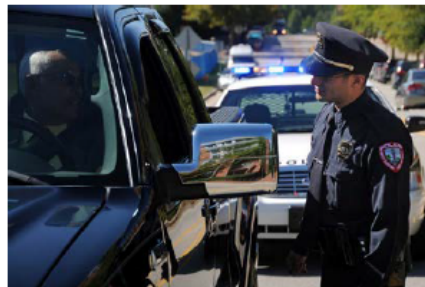
According to Maryland Police and Correctional Training Commissions, "To validate and justify a traffic stop

or street field interview, you must be capable of reasonably and intelligently articulating verbally and in writing the basis for the stop."

Elements of a Racially Motivated Traffic Stop

The following elements can be present during a racially motivated traffic stop, according to the 2001 Texas Commission on Law Enforcement.

- 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.
- The driver and passengers are questioned about things that do not relate to the traffic violation.
- The driver and passengers are ordered out of the vehicle.
- The officers visually checked all observable parts of the vehicle.
- The officers have proceeded on the assumption that drug courier work is involved by detaining the driver and passengers by the roadside.
- The driver has been asked to consent to a vehicle search - if the driver refused, the officers used other procedures (such as waiting on a canine unit, criminal record checks, license-plate checks, etc.), and intimidated the driver (with the threat of detaining him/her, obtaining a warrant, etc.).



Elements of a Traffic Stop Based on Reasonable Suspicion

In contrast, here are the elements of a stop based on reasonable suspicion, again from the 2001 Texas Commission on Law Enforcement.

Suspicious that may be related to the totality of circumstances in a vehicle stop include:

Vehicle exterior indicators, such as:

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

Pre-stop indicators may also include:

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

In addition, vehicle interior may show:

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



Criminal Profiling

To help highlight the differences between racial profiling and reasonable suspicion, it's important to talk about the differences between criminal profiling and racial profiling. A profile, or a set of identifying characteristics that could apply to a person or a situation, is a method of categorizing individuals and events. Law enforcement officers use criminal profiles created by investigators and specialists who have identified key characteristics of criminal methods.

The concept of criminal profiling as a law enforcement tool started with Howard Teten, former Chief of Research for the Federal Bureau of Investigation. A student of psychology, Teten expanded the concept of simply looking for physical clues at a crime scene. He also took into consideration the manner in which the crime was committed. In so doing, he was able to provide officers with a view of the perpetrator's behavior, personality traits and mental state. It proved to be a highly effective method with serial criminals in particular.



Criminal profiling would focus on specific methodology, such as a particular weapon or strategy the perpetrator might choose to carry out criminal activities. Behaviors were always the focus of an effective criminal profile. This was particularly effective when dealing with serial criminals because an accurate profile gave law enforcement key characteristics they could use to investigate their suspect.

Race or ethnicity might be mentioned in a criminal profile, but it was never the focus of the profile.

Criminal profiling, as Teten recognized it, was practiced by specialists who were trained in the study of psychology and focused primarily on serial murderers to support their understanding of profiling. When applied to other criminal scenarios by untrained practitioners, racial profiling became one of the unfortunate results. Keep in mind: race is not a defining factor in an individual's behavior. Individuals of any background could utilize the same or other methods to commit crimes.

By making race a key component of a profile, officers may risk harassing innocent people, consequently overlooking criminals of other backgrounds. Not only is this unfair and unjustified, it is also a loss of valuable law enforcement resources.

Lesson 4 Summary



In summary, law enforcement officers must consider the differences between reasonable suspicion and racial profiling in the context of traffic stops while conducting field interviews. The main distinction is that racial profiling issues arise when a legal violation is not the reason the officer stopped the car or the individual. Law enforcement agencies may use criminal profiling techniques based on behaviors but not based on race, ethnicity, origin or religion. The focus of traffic stops and field interviews should be based on a citizen's actions rather than appearance.

Course Content



Lesson 5: Best Practices for Law Enforcement

BEST PRACTICES FOR LAW ENFORCEMENT

So how can law enforcement officers address legal violations and reasonable suspicion effectively? Police officers can positively impact the experience and perspective of citizens stopped for traffic violations. When there has been an observed violation of the law, best practices emphasize that all persons be addressed civilly while being informed of the reason they were stopped and for any follow up questioning.

Professionalism and ethics are part of every interaction with the public. Tactical communication, following best practices for traffic stops, and self-reflection on experiences in the field can all be used to improve community relations and help stop racial profiling.

Tactical Communication

Effective communication can be the most important part of any traffic stop or field interview and supports citizen perception of procedural justice. The 2001 Maryland Police and Correctional Training Commissions, recommends the following steps:

1. Approach the citizen in an open, friendly manner if at all possible. Keep your body language assertive, but non-hostile. If appropriate, introduce yourself.
2. Remember, the key elements in any stop are civility and caution. Sometimes it's difficult to be courteous, but you should always be civil.
3. Tell the citizen why you stopped him. Unless it's patently obvious, the citizen has a right to know and you are professionally obligated to inform him, without any hostility or posturing on your part.
4. Avoid any excessive small-talk or inappropriate questioning.
5. Be brief and to the point. Don't detain anyone beyond the time needed to effect the necessary enforcement action or otherwise clarify a situation.
6. Keep your physical, or nonverbal indicators friendly and neutral, such as your:
 - Eye contact
 - Stance
 - Position of hands
 - Facial expression
7. According to studies conducted in several states, the number one citizen complaint about police officers is the officer's verbal conduct. By comparison, only about one-fourth of the complaints filed against police officers dealt with excessive force issues.
8. Speak civilly and in a moderate tone. Citizens seem more concerned about how officers speak to them, than by what the officer actually says. Citizens are particularly aggrieved by what they perceive as an officer's gruff or condescending tone of voice.
9. Listen actively. Communication is a two-part process and listening is the other half. Regardless of the type of person you're dealing with, stay focused and concentrate on what they're saying (...or not saying).



Best Practices for Vehicle Stops

You must articulate more than just a gut feeling, you need to be able to clearly articulate the reason for the stop.

You can use the But/For test from the US Department of Justice, NHTSA's recommendations: "Proactive traffic enforcement that is race or ethnic-based is neither legal: consistent with democratic ideals, values, and principles of American policing; nor in any way a legitimate and defensible public protection strategy."

"Use the but/for test to determine if a stop was based on racial profiling. Say to yourself, But for this person's race, ethnic heritage, gender, religious or sexual preference, would this driver have had this encounter with me?"

"If the answer is that they would not, then this was a profile stop and most likely a violation of the person's Constitutional rights."

1. Some additional officer best-practices for vehicle stops from the 2001 Maryland Police and Correctional Training Commission include:

- a. Always inform the driver of the reason for the stop. Speak slowly and clearly.



- b. Describe the violation in terms of what the vehicle is or was doing, not what the driver did. This non-accusatory approach can often enhance officer-driver rapport.
- c. Ask the driver for the reason for the violation; allow them to vent or offer a stress-reducing explanation.
- d. Provide instructions. After you obtain their license and registration, tell them that you are going back to your police vehicle to review their documents and advise them to remain in their vehicle.
- e. Calm any children in the stopped vehicle that may be visibly apprehensive of the presence of a police officer.

Duty to Protect and Serve



Although police have discretion in traffic and field stops, they must be responsible for their duty to protect and serve. While law enforcement work can focus on being productive, the mindset that "action is always better than inaction," or that "the ends justify the means," can lead to an abuse of police power and loss of public trust. Whatever officers may personally think, they should enforce the law fairly and professionally for all citizens. Remember that you need to be able to articulate that a traffic violation or criminal act has taken place. Stopping a vehicle or detaining an individual without reasonable suspicion is a violation of constitutional rights.

Advice to Police Officers

Sgt. Larry E. Capps provides the following recommendations for adhering to ethics and professionalism in traffic stops from the FBI Law enforcement Bulletin:

Civility - "A state of affairs characterized by tolerance, kindness, consideration, and understanding. Civility can be expressed by positive action, or even inaction, as when police officers refrain from overreacting to verbal outbursts from angry citizens."

Professionalism - "In a broad sense, a concept of excellence or a continual striving for excellence. Its core elements include technical knowledge, moral judgments, a client-oriented practice, considerable discretion given to practitioners, and most importantly, an acknowledgment that policing is a "moral call" profession, in which members are duty bound to respond, whenever and wherever called, regardless of who calls them."

Restraint - "The self-control exercised by officers and their selection of the least intrusive means of accomplishing a legitimate police objective."



Self-Analysis



Law enforcement officers are not fearful. They do, however, have to cope with a physical and mental response to dangerous situations, which is biological in nature, coming from the response of the sympathetic nervous system in the body. This response from the body causes the "fight or flight" responses in human beings.

Unlike most people, law enforcement officers run to danger, rather than running away from it. The "fight or flight" response is displayed when a fireman runs in to save a child trapped inside a burning building, or the soldier who runs toward the weapons fired by the enemy rather than away; law enforcement personnel everywhere deal with this when they put their life on the line to protect and serve their community.

Officers will choose the "fight" option over the "flight" option. Do you experience that "fight or flight" response when you make traffic stops? If so, are you aware of when it is happening at a traffic stop? Have you

noticed if you have the fight or flight response when you stop a vehicle driven by a minority? How you answer that question gives you opportunity for some self-analysis about how you respond during traffic stops. Consider how you can use the best practices for traffic stops to help put citizens and yourself more at ease when in the field.

Lesson 5 Summary

In summary, individuals should never be stopped based on perceived criminal propensity. All persons should be addressed civilly and be informed of the reason they were stopped and for any follow up questioning. Remember to use the but/for test to determine if a stop was based on racial profiling.

Although a traffic stop is legal if there has been an observed violation of the law, tactical communication and professionalism are important keys to improving citizen's perspective of procedural justice and reducing perceptions of racial profiling.



Course Content



Summary/Wrap Up



In the context of constitutional rights and current race relations in the United States, the practice of using race or ethnicity as a basis for law enforcement investigative procedures is unfair and unjust. In this course, we have identified the issues related to racial profiling which impact law enforcement including liability and success of community policing efforts. By recognizing the differences between racial profiling and reasonable suspicion and utilizing best practices for traffic stops and field interviews, police officers can address racial profiling and improve police effectiveness.

Assessment for Course Completion

receive course completion credit.

You've arrived at the end of the module. Complete the following assessment to

Implicit Bias



Introduction

Welcome



Welcome to the eLearning course of Implicit Bias for Law Enforcement. This one-hour course is designed to enhance the learner's ability to identify the importance of proper training for your role. Implicit bias training provides law enforcement officers awareness to the intrinsic nature of bias, how those biases manifest over time, and ultimately how biases affect policing our diverse communities.

Course Instructions

This course provides one hour of instruction including evaluation and knowledge checks in a linear format. Please read each page and review the associated materials thoroughly.

The course consists of the following components:

- Course Summary
- Course Instructions
- Course Sections
- Knowledge-Check Quizzes
- Post-Test/Final Exam

Please note that the Knowledge-Check Quizzes which appear after each section are not graded. You will only be graded on the post-test in the Final Exam section of the course. If you do not pass the final exam, you are allowed to retake the exam two additional times. Also, keep in mind that your progress through the course is tracked and if you log out, you will be able to log in at a later date and continue the course from where you left off.

Once you have started a course, courses in progress are listed in My Dashboard of your account.

Course Overview

This one-hour course will discuss implicit bias regarding its definition, common ways that it may be revealed, as well as the different forms it may take. Additionally, this Implicit Bias course instructs the user on how to identify and overcome implicit bias

Learning Objectives

At the end of this course, the learner will be able to:

- Define implicit bias.
- Explain the prevalence of implicit bias in law enforcement community relations.
- List different forms of implicit bias.
- Describe ways to overcome implicit bias.

Course Content



Lesson 1: Introduction to Implicit Bias

Lesson 1 defines implicit bias and explains where it comes from. This lesson also includes a study that proves its prevalence and how it may turn from implicit to explicit.

What is Implicit Bias? (Part 1)

There are two forms of biases: **explicit and implicit**.

According to the Perception Institute, explicit bias refers to the attitudes and beliefs about a person or group of people on a conscious level. Often, explicit biases and their expression arise as the direct result of a perceived threat. At the time of the perceived threat, people with clear bias are more likely to draw group boundaries and generalizations to distinguish themselves from others.

On the other hand, implicit bias describes the associations that are made about different groups of people. Under certain conditions, those relationships can influence behavior, making people react in biased ways even when they do not consider themselves prejudiced.

According to the Kirwan Institute, the dual systems theory simplifies the difference between explicit and implicit bias. **System 1** of the brain allows unconscious, automatic, fast, and effortless thinking. **System 2** allows conscious, deliberate, slow, and effortful thinking.



What is Implicit Bias? (Part 2)



Over 30 years of research by The Claremont Symposium on Applied Social Psychology has shown that people can hold implicit biases without explicit bigotry, only based on either exposure or isolation from the social world around them. The phenomenon called "racism without racists" can cause institutions or individuals to act on racial prejudices, even if they see their actions as having good intentions.

Implicit bias is a substantial influence between police and citizens. Despite the fact that a conscious "traditional" racism is on the decline, research indicates implicit attitudes may be a better predictor of police-citizen tension than self-reported explicit attitudes.

Video: News Hour Report: Bias in Law Enforcement

This video demonstrated the science behind preferences and allowed officers an opportunity to begin the conversation with each other and the community.

Where do Biases Come From?

Our implicit biases are the result of mental associations formed by the direct and indirect messaging we receive, often about different groups of people. When we are exposed to certain identity groups being paired with certain characteristics, we can begin to automatically and unconsciously associate the identity with the features, whether or not the association aligns with reality.

For example, in the United States, many have a strong implicit association between African Americans and criminal activity. This association is the root of many issues in law enforcement community relations.



Why Does It Matter?

Law enforcement officers in every department around the world face dangerous situations and require split second decisions where unconscious preferences impart judgment. Implicit bias conjures a feeling of blame and shame for officers in the line of fire.

Understanding our preference tendencies will assist law enforcement officers with open-mindedness and mindful policing is the best practice.

Since implicit biases are automatic, underlying associations, it is especially essential in shoot/don't shoot situations.

Life or death decisions are made in the blink of an eye, and many decisions may be incorrectly executed based off of implicit biases.

Implicit Bias Studies (Part 1)



Researchers from the University of Chicago and the University of Colorado - Boulder experimented with a video game simulation tested for participants' preferences in shoot/don't shoot situations.

The video game simulated encounters with potential hostile targets. In the overall experiment, three studies tested a model in which racial bias in shoot/don't-shoot decisions reflects the stereotype linking African-Americans to danger.

The first study, manipulated the association with risk by having participants read newspaper articles about African-American (vs. Caucasian) criminals.

Implicit Bias Studies (Part 2)

In the realm of criminal justice, implicit bias can have significant consequences through slow, deliberative judgments (like those made by a jury) but also through the spontaneous, split-second reactions of a police officer.

Specifically, research using computer simulations to investigate race in shoot/don't-shoot decisions show a distinct bias to shoot African-Americans. In this example, study participants perform a video game task in which they encounter armed and unarmed targets which are either African-American or Caucasian. They attempt to shoot armed targets and indicate "don't shoot" for unarmed targets. Though the race is irrelevant to this task in itself, participants were quicker and more likely to shoot African-American targets, and faster and more likely to indicate don't shoot for Caucasians. Mostly, members, respond quickly and accurately when goals conform to cultural stereotypes (namely armed African-Americans and unarmed Caucasians) but respond slowly and inaccurately when targets interrupt those stereotypes (unarmed African-Americans and armed Caucasians).



Implicit Bias Studies (Part 3)



Also, the study tested the effect that is priming a social category had on reactions to stimuli. In the study, researchers were concerned with one aspect of the stereotype about African-Americans in the United States - the implicit association of African-Americans with danger. Although there are other cultural stereotypes about African-Americans, such as poverty and athleticism, the factor of danger was a relevant characteristic in this study. The researchers had a central assumption for the study that stereotypes linking African-Americans to danger encourage racial bias in the decision to shoot. The researchers' assumption was supported by existing research.

Essentially, implicit bias may easily grow into explicit bias if exasperated and left unchecked.

Lesson 1 Summary



Lesson 1 defines implicit bias and explains where it develops. This experience also included a study that proves its prevalence and ability to turn from implicit to explicit.

Course Content

Lesson 2: Implicit Bias in Action



Lesson 2 discusses the ways that implicit bias may be expressed. This lesson allows the user to internally assess their implicit bias.



Implicit Bias in Action

So what does implicit bias look like in our everyday lives?

Our spoken language is an action that speaks louder than the proverbial word.

Implicit Bias in action is the unconscious preference each of us accumulates over time.

As a human being, implicit bias has a hand in the friends we make, the people we date, as well as the neighborhoods and schools we choose. The differences for a police officer, cops do not get to pick the patrol beat.



Officers serve all community members.

Sociologist Charles Gallagher stated, *"When you think backwards, what you think is normal is really cultural pressure that pushes you into bias, implicit and conscious."*

Awareness Trend



CNN reported implicit biases and stereotypes, whether negative or positive, are maintained through a consistent lack of existing beyond your "in-group." Psychologists use this term to describe people who share certain characteristics.

Video: Berkley Bias Awareness

Tipping Point and Research



According to a Kaiser poll, 69% of Caucasians say they live around other Caucasians, whereas 59% of Hispanics say they live around other Hispanics. However, 41% of African-Americans say they live around other African-Americans, while 51% say they live around other races. Just one explanation for the prevalence and persistence of racial segregation is that families are reluctant to live in neighborhoods or send their children to schools, with a large number of children that do not look like them. In 1971, a study by economist Thomas Schelling revealed that once the minority share reaches a certain point, later called the "tipping point," Caucasians tend to leave.

More recently, though, another study supported Schelling's finding, while ruling out other factors (such as income classifications), calculated the true "tipping point" for determining neighborhoods and schools at around 13%. The study above, *"Tipping and*

the Dynamics of Segregation in Neighborhoods and Schools," linked the location of estimated tipping points in different cities to their racial attitudes. Racial attitudes were calculated based on a series of questions including, *"do you think marriages between African-Americans and Caucasians should be illegal?"* The study found that the higher a city's racial tolerance, the higher their tipping points.

Lesson 2 Summary



Lesson 2 discussed the ways that implicit bias may be expressed. This lesson allowed the user to internally assess their implicit bias.

Course Content



Lesson 3: How to Address Implicit Biases

Lesson 3 covers how to avoid or get rid of existing implicit bias. This lesson will additionally employ the user with the ideas to help others become less biased.

In Pederson (2015) Dr. Jennifer Raymond stated, "We can overrule our mental habits and gut reactions. It's not inevitable these biases have to control our behavior"

There is good news about biases: They can change! It takes a conscious effort and an open mind. The following ideas encourage the recognition and reversal of biases.

Video: Police Bias

Bias in Communities (Part 1)

Biases in Communities

Physical integration alone does not change attitudes and behavior. The real integration must be coupled with teamwork and interactivity to show a positive result; the result is especially beneficial when integration allows different groups of people to work together to solve community problems.

Not only is this critical for grown adults, but for children as well. Including them in the integration and interactivity combination, children begin to feel like members of larger communities made up of others with different skills, rather than races, genders, and sexualities.

When people become more aware of their implicit biases, they are more likely to refute them before they come to a culmination in harmful actions. Refuting inherent biases can include a higher attention to their words, as well as body language. This practice, as it is repeated, has the impact to reflect a change in existing implicit biases directly.



Bias in Communities (Part 2)



In doing so, one may begin to have more interaction and experiences with the group that was once the subject of the bias. The more experience and interaction one has, the weaker the preferences become. It is a continuous psychological pattern. Before you know it, you now have a diverse group of friends, which may, again, over time, reduce the strength of biases.

It is difficult to admit that biases exist in your mind; most people do not enjoy admitting their faults. To ask yourself where and when the biases began, what do they mean for you, and what you can do about them is a great place to start.

What Can You Do About Biases?

The first thing you can do about implicit biases is what you're doing now - educating yourself. It is important to look for the connections between your past and current realization of biases.

Take action is your next step. This can be done by surrounding yourself with those without stereotypic views, increase exposure with those outside your demographics, and always try to keep an open mind. Hold yourself accountable when confronted with implicit bias. Think of ways you would explicitly justify your thoughts to others.

The implicit bias project sponsored by Harvard University is a widely respected and validated test for implicit bias awareness. If you are interested in checking out the project and learn more about implicit bias, please click [here](#). This link will take you to Project Implicit.



The next step is prevention. Now that you have assessed your biases and are working to confront them head on, what happens when those around you - whether a family member, coworker, or neighbor - says something out of line? Speak up. It is a case of "hear something, say something." If we continue to keep quiet about biases and intolerance, the more time they linger in our society.

Lesson 3 Summary

Lesson 3 covered how to avoid or get rid of existing implicit bias. Additionally, this lesson provided the user with the ideas to help others become less biased.

Course Content



Summary/Wrap Up

At the end of this course, the learner will be able to:

- Define implicit bias.
- Explain the prevalence of implicit bias in the law enforcement community relations.
- List different forms of implicit bias.
- Describe ways to overcome implicit bias.

Assessment for Course Completion

You've arrived at the end of the module. Complete the following assessment to receive course completion credit.

Report on Complaints

Report on Racial Profiling Complaints

The following table contains data regarding officers that have been the subject of a complaint, during the time period of 1/1/2021 - 12/31/2021, based on allegations related to possible violations of the Texas Racial Profiling Law. The final disposition of the case is also included.

A check above indicates that the Texas City Police Department has not received any complaints, as outlined in the law, on any members of its police force, for having violated the Texas Racial Profiling Law during the time period of 1/1/2021 - 12/31/2021

Complaints Filed for Possible Violations of The Texas Racial Profiling Law.

| Complaint No. | Disposition of the Case | |
|----------------------|--|--|
| 21-002607 | Unfounded by Internal Affairs Investigator Wiley | |
| 21-002618 | Unfounded by Internal Affairs Investigator Wiley | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

Additional Comments:

Graphics Illustrating Traffic Contact

Data Collection

(I) Data

Motor Vehicle-Related Contact Information (1/1/2021—12/31/2021)

| Race | Contacts | Searches | Contraband Hits | Arrests | Contact % | Searches % | Hit % | Arrests % |
|--------------|--------------|------------|-----------------|------------|----------------|--------------|---------------|--------------|
| Black | 3285 | 319 | 136 | 165 | 23.03% | 9.71% | 42.63% | 5.02% |
| White | 6709 | 184 | 81 | 120 | 47.04% | 2.74% | 44.02% | 1.79% |
| Hispanic | 3924 | 86 | 27 | 50 | 27.52% | 2.19% | 31.40% | 1.27% |
| Asian | 301 | 1 | | | 2.11% | 0.33% | 0.00% | |
| Indian | 42 | | | | 0.29% | | 0.00% | |
| Total | 14261 | 590 | 244 | 335 | 100.00% | 4.14% | 41.36% | 2.35% |

Figure 1. Motor Vehicle Related Contact Information. Subtotals averaged for Searches, Hit, and Arrest Percentages.

Searches %, Hit % and Arrests % by race

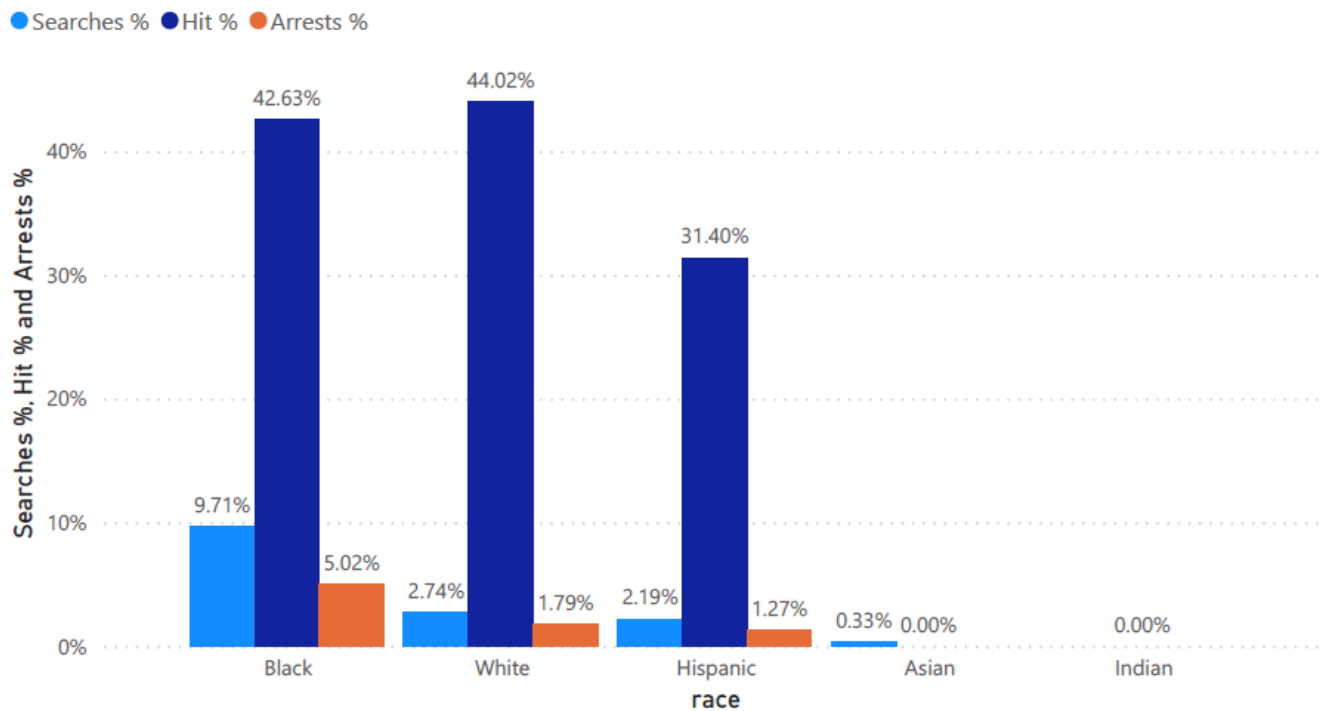


Figure 2. Search Rates, Contraband Hit Rates, & Arrest Rates

Analysis and Interpretation of Data

Analysis

The Texas Racial Profiling Law mandates that all police departments in Texas collect traffic-related data when a citation is issued. Further, the law requires that agencies report this information to their local governing authority and TCOLE. The purpose in collecting and presenting this information is to determine if a particular police officer is engaging in the practice of profiling minority motorists. Despite the fact most agree that it is good practice for police departments to be accountable to their community while carrying a transparent image, it is very difficult to determine if police departments are engaging in racial profiling, from the review of aggregate data. That is, it is very difficult to detect specific “individual” biased based behavior from the study and analysis of aggregate-level “institutional” data on traffic-related contacts.

The Texas City Police Department, in response to the requirements of The Texas Racial Profiling Law (S.B. 1849), commissioned the analysis of its 2021 traffic contact data. This involved a careful evaluation of the 2021 motor vehicle contact data. This analysis measured, as required by the Texas Racial Profiling Law, the number and percentage of Caucasians, African Americans, Hispanics, Asians, Native Americans, and Middle Eastern persons encountered on motor vehicle stops in 2021. In addition, the analysis included information relevant to the number and percentage of searches (table 1) while indicating the type of search (i.e., consensual or probable cause) conducted. The data analysis highlighted the number and percentage of individuals categorized by stop disposition. Finally, the analysis includes a comparative analysis of motor vehicle contacts and the demographic breakdown of the City of Texas City collected from the 2020 Census Bureau.

(2021) Motor Vehicle-Related Contact Analysis

The data collected in 2021 showed Caucasian contacts were searched at a rate of 2.74%, 9.71% of African Americans, 2.19% of Hispanics, 0.33% of Asians and 0% of Indians. When analyzing the data collected in 2021, it was evident that most traffic related contacts were made with Caucasian drivers. This was followed by Hispanic drivers and then African American drivers. African Americans contacts were arrested at 5.02% and Caucasians contacts were arrested at 1.79%, followed by Hispanic contacts at 1.27%. An analysis of contacts versus searches reveals that African American and Caucasian contacts are searched and arrested more frequently than Hispanic contacts. An analysis of contacts reveals Caucasian motorists were stopped at twice the rate of Black, but Caucasian motorists were only searched nearly half as many times as African American motorists. Further analysis of these findings indicates African American motorist were searched by Officers after probable cause was established in 38.24% of contacts versus 30.43% of Caucasian contacts. The findings indicate African American contacts resulted in a higher percentage of non-consensual searches when compared to Caucasian contacts.

Summary

Summary of Findings

The 85th Texas Legislative Session passed sweeping changes to Texas racial profiling requirements. The Sandra Bland Act (SB 1849) repealed prior exemptions for partial reporting and instituted comprehensive reporting standards starting January 1, 2018. The Texas City Police Department purchased Central Square's mobile racial profiling module prior to the implementation of new legislative requirements and is currently compliant with new reporting standards.

The Texas City Police Department came in contact (motor vehicle-related incidents) with 14,261 drivers. The data indicates the Texas City Police Department searches ethnic groups at a higher percentage rate than Caucasian contacts. The data also indicates the Texas City Police Department arrests ethnic groups at a slightly higher rate than Caucasian contacts. The data further indicates searches conducted on white contacts have a 44.02% hit rate for contraband. Searches conducted on black contacts have a 42.63% hit rate for contraband with Hispanic hits rates at 31.4%, and Asian contacts at 0% hit rates. Search rates and hit rates cannot be directly attributed to racial bias and on face value cannot be considered as racial profiling based exclusively on contact data. The Texas City Police Department, in previous years, has attempted to measure police contacts against the baseline measurement of US Census data. Recent, academic research suggest the use of US Census data fails to account for transient population density and is often an inaccurate baseline representation for police contact comparison. In addition, US Census data fails to provide accurate information on the amount of Texas City residents with access to motor vehicle transportation.

One method of addressing potential patterns of bias-based policing is intrapopulation comparison of sworn personnel, benchmarking, and outcome analysis. The proposed metric of intrapopulation comparison assigns a score to each officer based on search rate and hit rate across ethnic categories. Officers who deviate from the central tendency, significantly, are flagged and more carefully examined. The cross comparison of search ratios and hit rates for contraband found across both ethnic and non-ethnic contacts can help identify a threshold of suspicion used by individual officers before searching persons of a given race. In 2016, Stanford University's open policing project provided publicly accessible code and examples for examining racial profiling data. These modern methods of analysis are superior to the utilization of demographic census or commuter data because officers are compared to each other, isolating personnel who are statistically different from the peer group.

Texas City Police Department has taken additional steps to measure individual officer activity by actively reviewing mobile video recordings of violator contacts, deploying a body worn camera program, providing anti-bias training, and deploying database analytical reports in an effort to identify inappropriate conduct and/or patterns of racial disparity. The Texas City Police Department also utilizes Microsoft Power BI to aggregate data from Central Square's mobile racial profiling. This proactive approach to data analysis allows the agency to examine individual officer contact data for disparity in contact rates, search rates, and hit rates along ethnic categories.

The information and analysis provided in this report serves as evidence that the Texas City Police Department has, once again, complied with the Texas Racial Profiling Law.

Checklist

Checklist

The following requirements **were** met by the Texas City Police Department in accordance with Senate Bill 1849:

- Clearly defined act of actions that constitute racial profiling
- Statement indicating prohibition of any peace officer employed by the Texas City Police Department from engaging in racial profiling
- Implement a process by which an individual may file a complaint regarding racial profiling violations
- Provide public education related to the complaint process
- Implement disciplinary guidelines for officer found in violation of the Texas Racial Profiling Law
- Collect data that includes information on:
 - a physical description of any person operating the motor vehicle who is detained as a result of the stop, including:
 - the person's gender; and
 - 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;
 - the initial reason for the stop;
 - whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;
 - whether any contraband or other evidence was discovered in the course of the search and a description of the contraband or evidence;
 - the reason for the search, including whether:
 - any contraband or other evidence was in plain view;
 - any probable cause or reasonable suspicion existed to perform the search; or
 - the search was performed as a result of the towing of the motor vehicle or the arrest of any person in the motor vehicle;
- Produce an annual report on police contacts and present this to local governing body by March 1, 2022.
- Adopt a policy, if video/audio equipment is installed, on standards for reviewing video and audio documentation

Contact Information

Contact Information

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

Chief of Police, Joe Stanton

Training Coordinator, Melissa Schanzer

**Texas City Police Department
1004 9th Avenue North
Texas City, Texas 77590
(409) 643-5720**



ADDENDUM

Racial Profiling Report | Full

Agency Name: TEXAS CITY POLICE DEPT.
Reporting Date: 02/10/2022
TCOLE Agency Number: 167209

Chief Administrator: JOE A. STANTON III

Agency Contact Information:
Phone: (409) 643-5750
Email: jstanton@texascitytx.gov

Mailing Address:
1004 9TH AVE N
TEXAS CITY, TX 77590-7407

This Agency filed a full report

TEXAS CITY POLICE DEPT. has adopted a detailed written policy on racial profiling. Our policy:

- 1) clearly defines acts constituting racial profiling;
- 2) strictly prohibits peace officers employed by the TEXAS CITY POLICE DEPT. from engaging in racial profiling;
- 3) implements a process by which an individual may file a complaint with the TEXAS CITY POLICE DEPT. if the individual believes that a peace officer employed by the TEXAS CITY POLICE DEPT. has engaged in racial profiling with respect to the individual;
- 4) provides public education relating to the agency's complaint process;
- 5) requires appropriate corrective action to be taken against a peace officer employed by the TEXAS CITY POLICE DEPT. who, after an investigation, is shown to have engaged in racial profiling in violation of the TEXAS CITY POLICE DEPT. policy;
- 6) requires collection of information relating to motor vehicle stops in which a warning or citation is issued and to arrests made as a result of those stops, including information relating to:
 - a. the race or ethnicity of the individual detained;
 - b. whether a search was conducted and, if so, whether the individual detained consented to the search;
 - c. whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual;
 - d. whether the peace officer used physical force that resulted in bodily injury during the stop;
 - e. the location of the stop;
 - f. the reason for the stop.
- 7) requires the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:
 - a. the 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.

The TEXAS CITY POLICE DEPT. has satisfied the statutory data audit requirements as prescribed in Article 2.133

(c), Code of Criminal Procedure during the reporting period.

Executed by: MELISSA R. SCHANZER
Training Coordinator

Date: 02/10/2022

Total stops: 14261

Street address or approximate location of the stop

| | |
|---------------------------|------|
| City street | 4277 |
| US highway | 6551 |
| County road | 127 |
| State highway | 35 |
| Private property or other | 3271 |

Was race or ethnicity known prior to stop?

| | |
|-----|-------|
| Yes | 84 |
| No | 14177 |

Race / Ethnicity

| | |
|---------------------------------|------|
| Alaska Native / American Indian | 42 |
| Asian / Pacific Islander | 301 |
| Black | 3285 |
| White | 6709 |
| Hispanic / Latino | 3924 |

Gender

| | |
|---------------------------------|-------------|
| Female | 4444 |
| Alaska Native / American Indian | 12 |
| Asian / Pacific Islander | 107 |
| Black | 1227 |
| White | 2217 |
| Hispanic / Latino | 881 |
| Male | 9817 |
| Alaska Native / American Indian | 30 |
| Asian / Pacific Islander | 194 |
| Black | 2058 |
| White | 4492 |
| Hispanic / Latino | 3043 |

Reason for stop?

| | |
|---------------------------------|------------|
| Violation of law | 397 |
| Alaska Native / American Indian | 0 |
| Asian / Pacific Islander | 3 |
| Black | 90 |
| White | 125 |

| | |
|----------------------------------|--------------|
| Hispanic / Latino | 179 |
| Preexisting knowledge | 19 |
| Alaska Native / American Indian | 0 |
| Asian / Pacific Islander | 0 |
| Black | 7 |
| White | 8 |
| Hispanic / Latino | 4 |
| Moving traffic violation | 12216 |
| Alaska Native / American Indian | 41 |
| Asian / Pacific Islander | 289 |
| Black | 2553 |
| White | 5927 |
| Hispanic / Latino | 3406 |
| Vehicle traffic violation | 1629 |
| Alaska Native / American Indian | 1 |
| Asian / Pacific Islander | 9 |
| Black | 635 |
| White | 649 |
| Hispanic / Latino | 335 |
| Was a search conducted? | |
| Yes | 590 |
| Alaska Native / American Indian | 0 |
| Asian / Pacific Islander | 1 |
| Black | 319 |
| White | 184 |
| Hispanic / Latino | 86 |
| No | 13671 |
| Alaska Native / American Indian | 42 |
| Asian / Pacific Islander | 300 |
| Black | 2966 |
| White | 6525 |
| Hispanic / Latino | 3838 |
| Reason for Search? | |
| Consent | 240 |
| Alaska Native / American Indian | 0 |
| Asian / Pacific Islander | 1 |
| Black | 133 |
| White | 77 |

| | |
|---------------------------------|------------|
| Hispanic / Latino | 29 |
| Contraband | 12 |
| Alaska Native / American Indian | 0 |
| Asian / Pacific Islander | 0 |
| Black | 9 |
| White | 1 |
| Hispanic / Latino | 2 |
| Probable | 207 |
| Alaska Native / American Indian | 0 |
| Asian / Pacific Islander | 0 |
| Black | 122 |
| White | 56 |
| Hispanic / Latino | 29 |
| Inventory | 76 |
| Alaska Native / American Indian | 0 |
| Asian / Pacific Islander | 0 |
| Black | 34 |
| White | 29 |
| Hispanic / Latino | 13 |
| Incident to arrest | 55 |
| Alaska Native / American Indian | 0 |
| Asian / Pacific Islander | 0 |
| Black | 21 |
| White | 21 |
| Hispanic / Latino | 13 |

Was Contraband discovered?

| | |
|---------------------------------|------------|
| Yes | 244 |
| Alaska Native / American Indian | 0 |
| Asian / Pacific Islander | 0 |
| Black | 136 |
| White | 81 |
| Hispanic / Latino | 27 |
| No | 346 |
| Alaska Native / American Indian | 0 |
| Asian / Pacific Islander | 1 |
| Black | 183 |
| White | 103 |
| Hispanic / Latino | 59 |

Did the finding result in arrest?

(total should equal previous column)

| | | | |
|-----|----|----|----|
| Yes | 0 | No | 0 |
| Yes | 0 | No | 0 |
| Yes | 46 | No | 84 |
| Yes | 30 | No | 51 |
| Yes | 6 | No | 21 |

| | |
|----------------------------------|-------------|
| Description of contraband | |
| Drugs | 164 |
| Alaska Native / American Indian | 0 |
| Asian / Pacific Islander | 0 |
| Black | 91 |
| White | 56 |
| Hispanic / Latino | 17 |
| Weapons | 24 |
| Alaska Native / American Indian | 0 |
| Asian / Pacific Islander | 0 |
| Black | 18 |
| White | 3 |
| Hispanic / Latino | 3 |
| Currency | 0 |
| Alaska Native / American Indian | 0 |
| Asian / Pacific Islander | 0 |
| Black | 0 |
| White | 0 |
| Hispanic / Latino | 0 |
| Alcohol | 19 |
| Alaska Native / American Indian | 0 |
| Asian / Pacific Islander | 0 |
| Black | 9 |
| White | 7 |
| Hispanic / Latino | 3 |
| Stolen property | 1 |
| Alaska Native / American Indian | 0 |
| Asian / Pacific Islander | 0 |
| Black | 1 |
| White | 0 |
| Hispanic / Latino | 0 |
| Other | 36 |
| Alaska Native / American Indian | 0 |
| Asian / Pacific Islander | 0 |
| Black | 17 |
| White | 15 |
| Hispanic / Latino | 4 |
| Result of the stop | |
| Verbal warning | 2753 |

| | |
|-----------------------------------|--------------|
| Alaska Native / American Indian | 6 |
| Asian / Pacific Islander | 34 |
| Black | 1096 |
| White | 1181 |
| Hispanic / Latino | 436 |
| Written warning | 455 |
| Alaska Native / American Indian | 2 |
| Asian / Pacific Islander | 4 |
| Black | 90 |
| White | 218 |
| Hispanic / Latino | 141 |
| Citation | 10718 |
| Alaska Native / American Indian | 36 |
| Asian / Pacific Islander | 263 |
| Black | 1932 |
| White | 5190 |
| Hispanic / Latino | 3297 |
| Written warning and arrest | 1 |
| Alaska Native / American Indian | 0 |
| Asian / Pacific Islander | 0 |
| Black | 0 |
| White | 1 |
| Hispanic / Latino | 0 |
| Citation and arrest | 71 |
| Alaska Native / American Indian | 0 |
| Asian / Pacific Islander | 0 |
| Black | 31 |
| White | 27 |
| Hispanic / Latino | 13 |
| Arrest | 263 |
| Alaska Native / American Indian | 0 |
| Asian / Pacific Islander | 0 |
| Black | 134 |
| White | 92 |
| Hispanic / Latino | 37 |
| Arrest based on | |
| Violation of Penal Code | 126 |
| Alaska Native / American Indian | 0 |
| Asian / Pacific Islander | 0 |

| | |
|------------------------------------|------------|
| Black | 65 |
| White | 48 |
| Hispanic / Latino | 13 |
| Violation of Traffic Law | 76 |
| Alaska Native / American Indian | 0 |
| Asian / Pacific Islander | 0 |
| Black | 26 |
| White | 29 |
| Hispanic / Latino | 21 |
| Violation of City Ordinance | 1 |
| Alaska Native / American Indian | 0 |
| Asian / Pacific Islander | 0 |
| Black | 0 |
| White | 1 |
| Hispanic / Latino | 0 |
| Outstanding Warrant | 132 |
| Alaska Native / American Indian | 0 |
| Asian / Pacific Islander | 0 |
| Black | 74 |
| White | 43 |
| Hispanic / Latino | 15 |

Was physical force resulting in bodily injury used during stop?

| | |
|---------------------------------------|--------------|
| Yes | 5 |
| Alaska Native / American Indian | 0 |
| Asian / Pacific Islander | 0 |
| Black | 1 |
| White | 3 |
| Hispanic / Latino | 1 |
| Resulting in Bodily Injury To: | |
| Suspect | 1 |
| Officer | 0 |
| Both | 0 |
| No | 14256 |
| Alaska Native / American Indian | 42 |
| Asian / Pacific Islander | 301 |
| Black | 3284 |
| White | 6706 |
| Hispanic / Latino | 3923 |

Number of complaints of racial profiling

| | |
|---------------------------------------|---|
| Total | 2 |
| Resulted in disciplinary action | 0 |
| Did not result in disciplinary action | 2 |

Comparative Analysis

- Use TCOLE's auto generated analysis
- Use Department's submitted analysis

Optional Narrative

N/A

Submitted electronically to the



The Texas Commission on Law Enforcement

Racial Profiling Analysis Report

TEXAS CITY POLICE DEPT.

| | | |
|------------------------------------|-------|--------|
| 01. Total Traffic Stops: | 14261 | |
| 02. Location of Stop: | | |
| a. City Street | 4277 | 29.99% |
| b. US Highway | 6551 | 45.94% |
| c. County Road | 127 | 0.89% |
| d. State Highway | 35 | 0.25% |
| e. Private Property or Other | 3271 | 22.94% |
| 03. Was Race known prior to Stop: | | |
| a. NO | 14177 | 99.41% |
| b. YES | 84 | 0.59% |
| 04. Race or Ethnicity: | | |
| a. Alaska/ Native American/ Indian | 42 | 0.29% |
| b. Asian/ Pacific Islander | 301 | 2.11% |
| c. Black | 3285 | 23.03% |
| d. White | 6709 | 47.04% |
| e. Hispanic/ Latino | 3924 | 27.52% |
| 05. Gender: | | |
| a. Female | 4444 | 31.16% |
| i. Alaska/ Native American/ Indian | 12 | 0.08% |
| ii. Asian/ Pacific Islander | 107 | 0.75% |
| iii. Black | 1227 | 8.60% |
| iv. White | 2217 | 15.55% |
| v. Hispanic/ Latino | 881 | 6.18% |
| b. Male | 9817 | 68.84% |
| i. Alaska/ Native American/ Indian | 30 | 0.21% |
| ii. Asian/ Pacific Islander | 194 | 1.36% |
| iii. Black | 2058 | 14.43% |
| iv. White | 4492 | 31.50% |
| v. Hispanic/ Latino | 3043 | 21.34% |
| 06. Reason for Stop: | | |
| a. Violation of Law | 397 | 2.78% |
| i. Alaska/ Native American/ Indian | 0 | 0.00% |
| ii. Asian/ Pacific Islander | 3 | 0.76% |

Racial Profiling Analysis Report

| | | |
|------------------------------------|-----|--------|
| iii. Black | 90 | 22.67% |
| iv. White | 125 | 31.49% |
| v. Hispanic/ Latino | 179 | 45.09% |
| b. Pre-Existing Knowledge | 19 | 0.13% |
| i. Alaska/ Native American/ Indian | 0 | 0.00% |
| ii. Asian/ Pacific Islander | 0 | 0.00% |
| iii. Black | 7 | 36.84% |
| iv. White | 8 | 42.11% |
| v. Hispanic/ Latino | 4 | 21.05% |

| | | |
|------------------------------------|-------|--------|
| c. Moving Traffic Violation | 12216 | 85.66% |
| i. Alaska/ Native American/ Indian | 41 | 0.34% |
| ii. Asian/ Pacific Islander | 289 | 2.37% |
| iii. Black | 2553 | 20.90% |
| iv. White | 5927 | 48.52% |
| v. Hispanic/ Latino | 3406 | 27.88% |

| | | |
|------------------------------------|------|--------|
| d. Vehicle Traffic Violation | 1629 | 11.42% |
| i. Alaska/ Native American/ Indian | 1 | 0.06% |
| ii. Asian/ Pacific Islander | 9 | 0.55% |
| iii. Black | 635 | 38.98% |
| iv. White | 649 | 39.84% |
| v. Hispanic/ Latino | 335 | 20.56% |

07. Was a Search Conducted:

| | | |
|------------------------------------|-------|--------|
| a. NO | 13671 | 95.86% |
| i. Alaska/ Native American/ Indian | 42 | 0.31% |
| ii. Asian/ Pacific Islander | 300 | 2.19% |
| iii. Black | 2966 | 21.70% |
| iv. White | 6525 | 47.73% |
| v. Hispanic/ Latino | 3838 | 28.07% |
| b. YES | 590 | 4.14% |
| i. Alaska/ Native American/ Indian | 0 | 0.00% |
| ii. Asian/ Pacific Islander | 1 | 0.17% |
| iii. Black | 319 | 54.07% |
| iv. White | 184 | 31.19% |
| v. Hispanic/ Latino | 86 | 14.58% |

08. Reason for Search:

| | | |
|------------|-----|-------|
| a. Consent | 240 | 1.68% |
|------------|-----|-------|

Racial Profiling Analysis Report

| | | |
|-------------------------------------|-----|--------|
| i. Alaska/ Native American/ Indian | 0 | 0.00% |
| ii. Asian/ Pacific Islander | 1 | 0.42% |
| iii. Black | 133 | 55.42% |
| iv. White | 77 | 32.08% |
| v. Hispanic/ Latino | 29 | 12.08% |
| b. Contraband in Plain View | 12 | 0.08% |
| i. Alaska/ Native American/ Indian | 0 | 0.00% |
| ii. Asian/ Pacific Islander | 0 | 0.00% |
| iii. Black | 9 | 75.00% |
| iv. White | 1 | 8.33% |
| v. Hispanic/ Latino | 2 | 16.67% |
| c. Probable Cause | 207 | 1.45% |
| ii. Alaska/ Native American/ Indian | 0 | 0.00% |
| i. Asian/ Pacific Islander | 0 | 0.00% |
| iii. Black | 122 | 58.94% |
| iv. White | 56 | 27.05% |
| v. Hispanic/ Latino | 29 | 14.01% |
| d. Inventory | 76 | 0.53% |
| i. Alaska/ Native American/ Indian | 0 | 0.00% |
| ii. Asian/ Pacific Islander | 0 | 0.00% |
| iii. Black | 34 | 44.74% |
| iv. White | 29 | 38.16% |
| v. Hispanic/ Latino | 13 | 17.11% |
| e. Incident to Arrest | 55 | 0.39% |
| i. Alaska/ Native American/ Indian | 0 | 0.00% |
| ii. Asian/ Pacific Islander | 0 | 0.00% |
| iii. Black | 21 | 38.18% |
| iv. White | 21 | 38.18% |
| v. Hispanic/ Latino | 13 | 23.64% |
| 09. Was Contraband Discovered: | | |
| YES | 244 | 1.71% |
| i. Alaska/ Native American/ Indian | 0 | 0.00% |
| Finding resulted in arrest - YES | 0 | |
| Finding resulted in arrest - NO | 0 | |
| ii. Asian/ Pacific Islander | 0 | 0.00% |
| Finding resulted in arrest - YES | 0 | |
| Finding resulted in arrest - NO | 0 | |
| iii. Black | 136 | 55.74% |

Racial Profiling Analysis Report

| | | |
|------------------------------------|-----|--------|
| Finding resulted in arrest - YES | 46 | |
| Finding resulted in arrest - NO | 84 | |
| iv. White | 81 | 33.20% |
| Finding resulted in arrest - YES | 30 | |
| Finding resulted in arrest - NO | 51 | |
| v. Hispanic/ Latino | 27 | 11.07% |
| Finding resulted in arrest - YES | 6 | |
| Finding resulted in arrest - NO | 21 | |
| b. NO | 346 | 2.43% |
| i. Alaska/ Native American/ Indian | 0 | 0.00% |
| i. Asian/ Pacific Islander | 1 | 0.29% |
| iii. Black | 183 | 52.89% |
| iv. White | 103 | 29.77% |
| v. Hispanic/ Latino | 59 | 17.05% |
| 10. Description of Contraband: | | |
| a. Drugs | 164 | 1.15% |
| i. Alaska/ Native American/ Indian | 0 | 0.00% |
| ii. Asian/ Pacific Islander | 0 | 0.00% |
| iii. Black | 91 | 55.49% |
| iv. White | 56 | 34.15% |
| v. Hispanic/ Latino | 17 | 10.37% |
| b. Currency | 0 | 0.00% |
| i. Alaska/ Native American/ Indian | 0 | |
| ii. Asian/ Pacific Islander | 0 | |
| iii. Black | 0 | |
| iv. White | 0 | |
| v. Hispanic/ Latino | 0 | |
| c. Weapons | 24 | 0.17% |
| i. Alaska/ Native American/ Indian | 0 | 0.00% |
| ii. Asian/ Pacific Islander | 0 | 0.00% |
| iii. Black | 18 | 75.00% |
| iv. White | 3 | 12.50% |
| v. Hispanic/ Latino | 3 | 12.50% |
| d. Alcohol | 19 | 0.13% |
| i. Alaska/ Native American/ Indian | 0 | 0.00% |
| ii. Asian/ Pacific Islander | 0 | 0.00% |
| iii. Black | 9 | 47.37% |
| iv. White | 7 | 36.84% |

Racial Profiling Analysis Report

| | | |
|------------------------------------|----|---------|
| v. Hispanic/ Latino | 3 | 15.79% |
| e. Stolen Property | 1 | 0.01% |
| i. Alaska/ Native American/ Indian | 0 | 0.00% |
| ii. Asian/ Pacific Islander | 0 | 0.00% |
| iii. Black | 1 | 100.00% |
| iv. White | 0 | 0.00% |
| v. Hispanic/ Latino | 0 | 0.00% |
| f. Other | 36 | 0.25% |
| i. Alaska/ Native American/ Indian | 0 | 0.00% |
| i. Asian/ Pacific Islander | 0 | 0.00% |
| iii. Black | 17 | 47.22% |
| iv. White | 15 | 41.67% |
| v. Hispanic/ Latino | 4 | 11.11% |

11. Result of Stop:

| | | |
|------------------------------------|-------|---------|
| a. Verbal Warning | 2753 | 19.30% |
| i. Alaska/ Native American/ Indian | 6 | 0.22% |
| ii. Asian/ Pacific Islander | 34 | 1.24% |
| iii. Black | 1096 | 39.81% |
| iv. White | 1181 | 42.90% |
| v. Hispanic/ Latino | 436 | 15.84% |
| b. Written Warning | 455 | 3.19% |
| i. Alaska/ Native American/ Indian | 2 | 0.44% |
| ii. Asian/ Pacific Islander | 4 | 0.88% |
| iii. Black | 90 | 19.78% |
| iv. White | 218 | 47.91% |
| v. Hispanic/ Latino | 141 | 30.99% |
| c. Citation | 10718 | 75.16% |
| i. Alaska/ Native American/ Indian | 36 | 0.34% |
| ii. Asian/ Pacific Islander | 263 | 2.45% |
| iii. Black | 1932 | 18.03% |
| iv. White | 5190 | 48.42% |
| v. Hispanic/ Latino | 3297 | 30.76% |
| d. Written Warning and Arrest | 1 | 0.01% |
| i. Alaska/ Native American/ Indian | 0 | 0.00% |
| ii. Asian/ Pacific Islander | 0 | 0.00% |
| iii. Black | 0 | 0.00% |
| iv. White | 1 | 100.00% |
| v. Hispanic/ Latino | 0 | 0.00% |

Racial Profiling Analysis Report

| | | |
|------------------------------------|-----|---------|
| e. Citation and Arrest | 71 | 0.50% |
| i. Alaska/ Native American/ Indian | 0 | 0.00% |
| ii. Asian/ Pacific Islander | 0 | 0.00% |
| iii. Black | 31 | 43.66% |
| iv. White | 27 | 38.03% |
| v. Hispanic/ Latino | 13 | 18.31% |
| f. Arrest | 263 | 1.84% |
| i. Alaska/ Native American/ Indian | 0 | 0.00% |
| ii. Asian/ Pacific Islander | 0 | 0.00% |
| iii. Black | 134 | 50.95% |
| iv. White | 92 | 34.98% |
| v. Hispanic/ Latino | 37 | 14.07% |
| 12. Arrest Based On: | | |
| a. Violation of Penal Code | 126 | 0.88% |
| i. Alaska/ Native American/ Indian | 0 | 0.00% |
| ii. Asian/ Pacific Islander | 0 | 0.00% |
| iii. Black | 65 | 51.59% |
| iv. White | 48 | 38.10% |
| v. Hispanic/ Latino | 13 | 10.32% |
| b. Violation of Traffic Law | 76 | 0.53% |
| i. Alaska/ Native American/ Indian | 0 | 0.00% |
| ii. Asian/ Pacific Islander | 0 | 0.00% |
| iii. Black | 26 | 34.21% |
| iv. White | 29 | 38.16% |
| v. Hispanic/ Latino | 21 | 27.63% |
| c. Violation of City Ordinance | 1 | 0.01% |
| i. Alaska/ Native American/ Indian | 0 | 0.00% |
| ii. Asian/ Pacific Islander | 0 | 0.00% |
| iii. Black | 0 | 0.00% |
| iv. White | 1 | 100.00% |
| v. Hispanic/ Latino | 0 | 0.00% |
| d. Outstanding Warrant | 132 | 0.93% |
| i. Alaska/ Native American/ Indian | 0 | 0.00% |
| ii. Asian/ Pacific Islander | 0 | 0.00% |
| iii. Black | 74 | 56.06% |
| iv. White | 43 | 32.58% |
| v. Hispanic/ Latino | 15 | 11.36% |

Racial Profiling Analysis Report

13. Was Physical Force Used:

| | | |
|--|-------|--------|
| a. NO | 14256 | 99.96% |
| i. Alaska/ Native American/ Indian | 42 | 0.29% |
| ii. Asian/ Pacific Islander | 301 | 2.11% |
| iii. Black | 3284 | 23.04% |
| iv. White | 6706 | 47.04% |
| v. Hispanic/ Latino | 3923 | 27.52% |
| b. YES | 5 | 0.04% |
| i. Alaska/ Native American/ Indian | 0 | 0.00% |
| ii. Asian/ Pacific Islander | 0 | 0.00% |
| iii. Black | 1 | 20.00% |
| iv. White | 3 | 60.00% |
| v. Hispanic/ Latino | 1 | 20.00% |
| b 1. YES: Physical Force Resulting in Bodily Injury to Suspect | 1 | 20.00% |
| b 2. YES: Physical Force Resulting in Bodily Injury to Officer | 0 | 0.00% |
| b 3. YES: Physical Force Resulting in Bodily Injury to Both | 0 | 0.00% |

| | |
|---|---|
| 14. Total Number of Racial Profiling Complaints Received: | 2 |
|---|---|

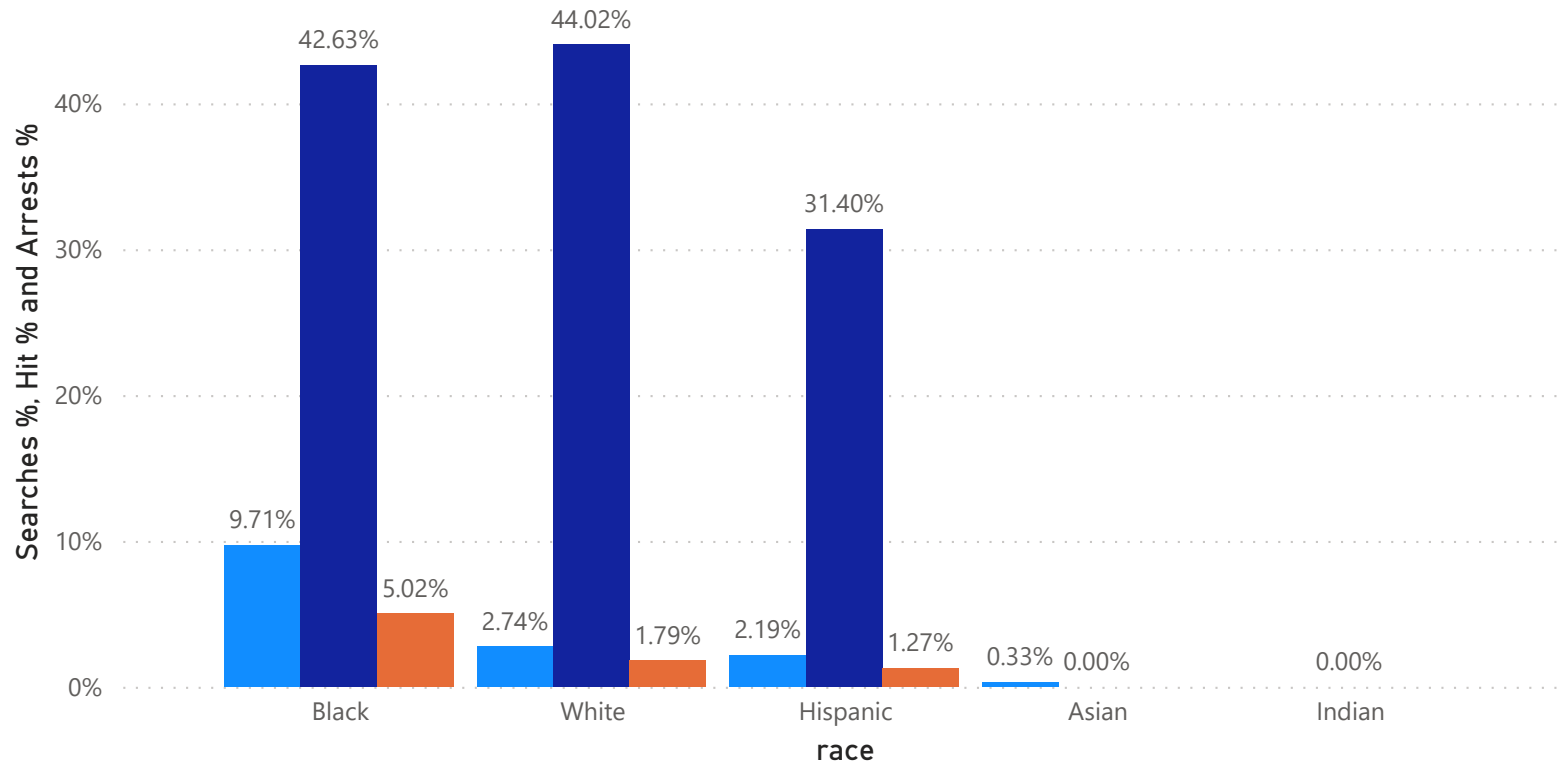
REPORT DATE COMPILED 02/10/2022

| Race | Contacts | Searches | Contraband Hits | Arrests | Contact % | Searches % | Hit % | Arrests % |
|--------------|--------------|------------|-----------------|------------|----------------|--------------|---------------|--------------|
| Black | 3285 | 319 | 136 | 165 | 23.03% | 9.71% | 42.63% | 5.02% |
| White | 6709 | 184 | 81 | 120 | 47.04% | 2.74% | 44.02% | 1.79% |
| Hispanic | 3924 | 86 | 27 | 50 | 27.52% | 2.19% | 31.40% | 1.27% |
| Asian | 301 | 1 | | | 2.11% | 0.33% | 0.00% | |
| Indian | 42 | | | | 0.29% | | 0.00% | |
| Total | 14261 | 590 | 244 | 335 | 100.00% | 4.14% | 41.36% | 2.35% |

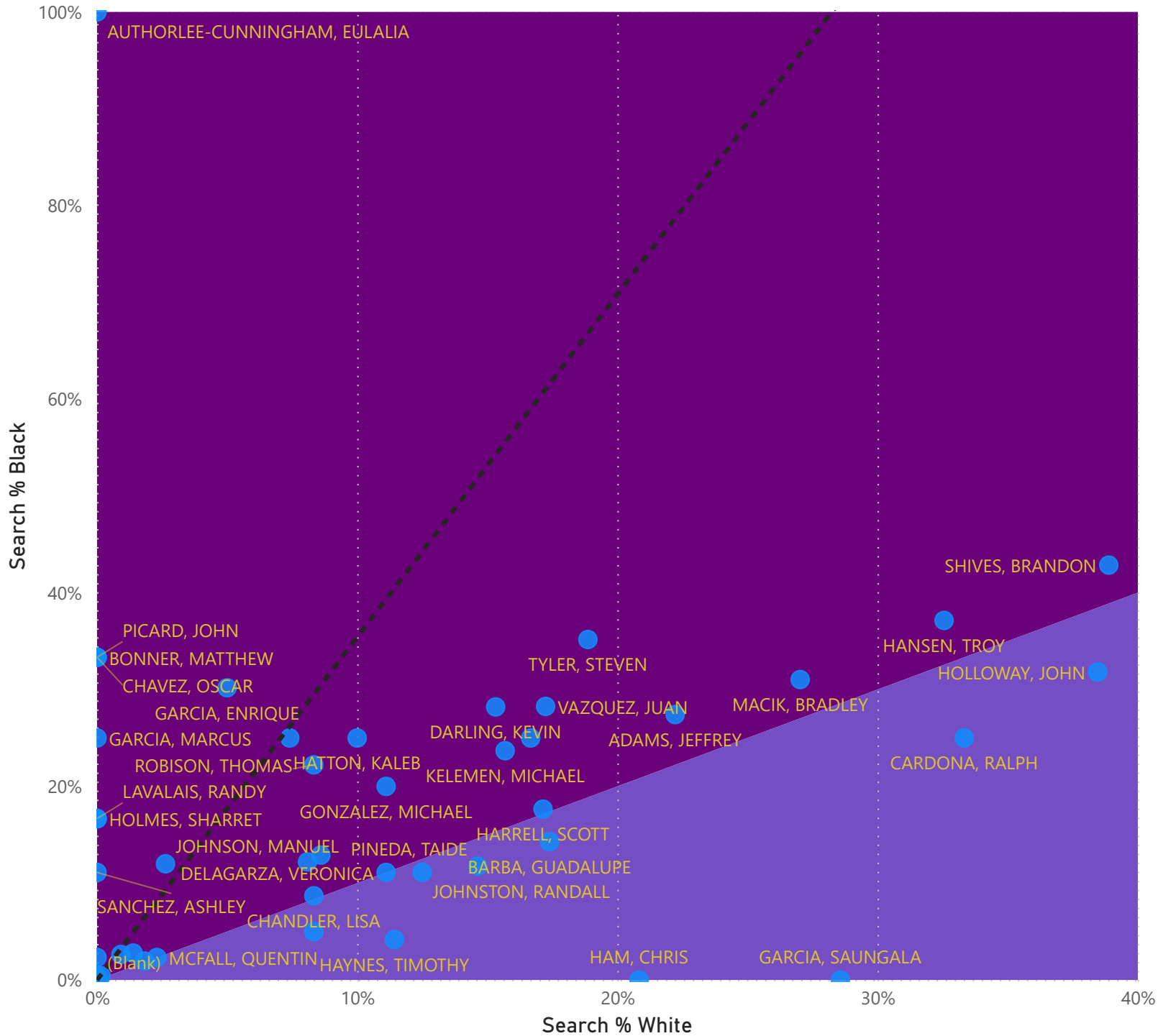
Lat, Long and race

Searches %, Hit % and Arrests % by race

● Searches % ● Hit % ● Arrests %



Search % White, Search % Black, Count of rpmainid and Searches by Full Name



6709

White Contacts

3285

Black Contacts

184

White Searches

319

Black Searches

2.74%

Search % White

9.71%

Search % Black

81

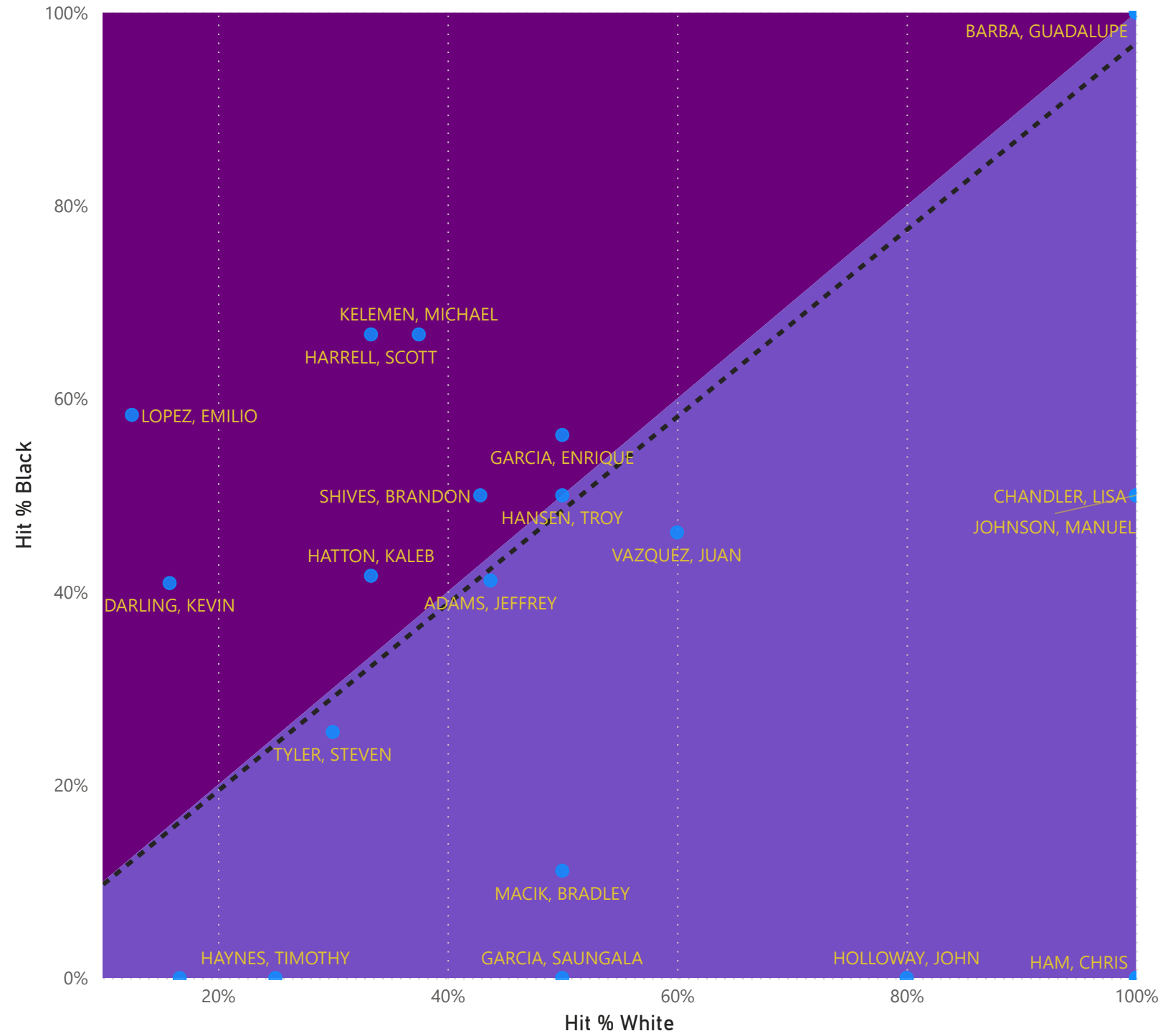
Hit % White

136

42.63%

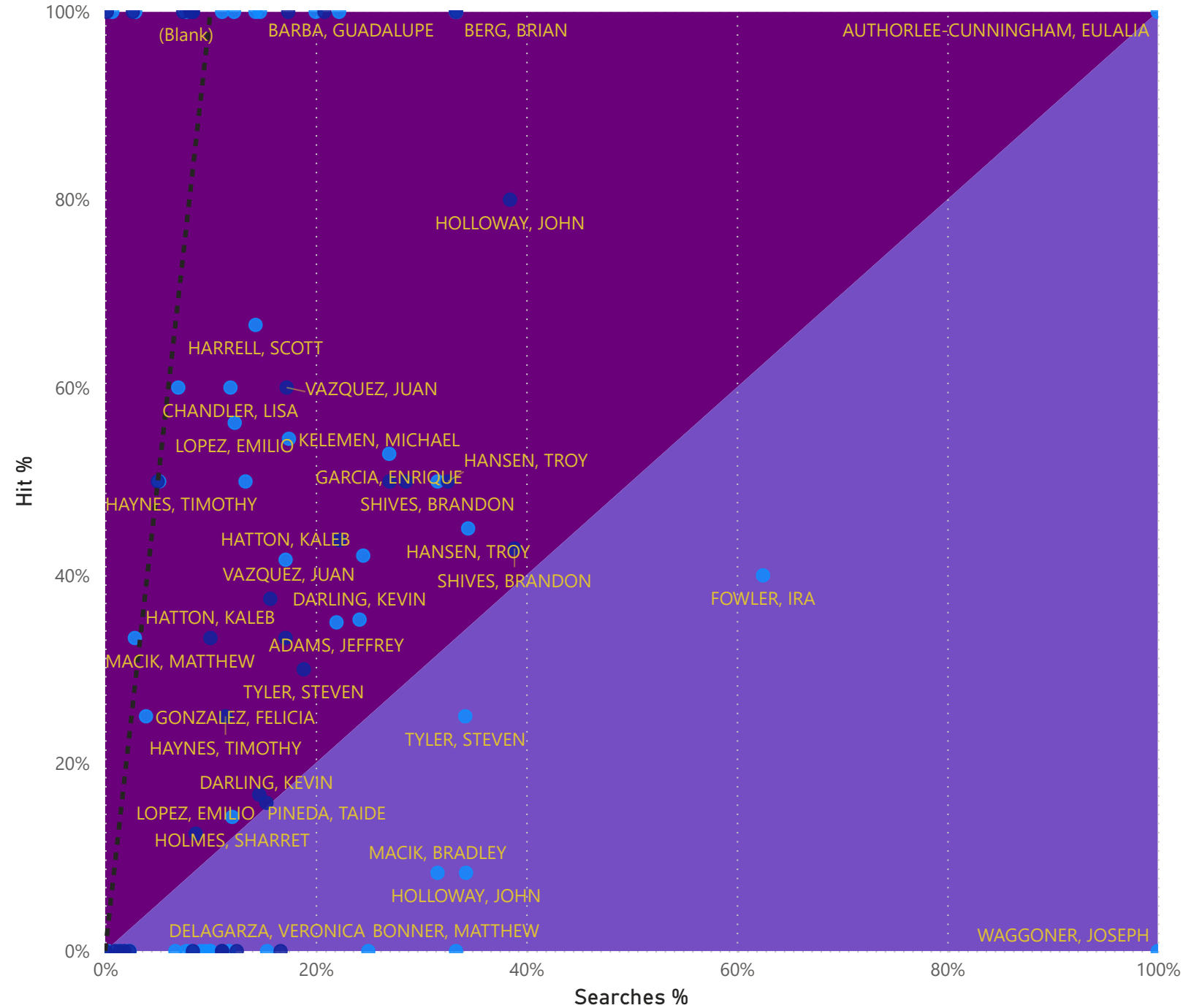
Hit % Black

Hit % White, Hit % Black, Count of rpmainid and Searches by Full Name



Searches %, Hit %, Count of rpmainid and Searches by Full Name and Ethnicity Type

Ethnicity Type ● Ethnic ● Non-Ethnic



6709

White Contacts

3285

Black Contacts

184

White Searches

319

Black Searches

2.74%

Search % White

9.71%

Search % Black

81

136

44.02%

Hit % White

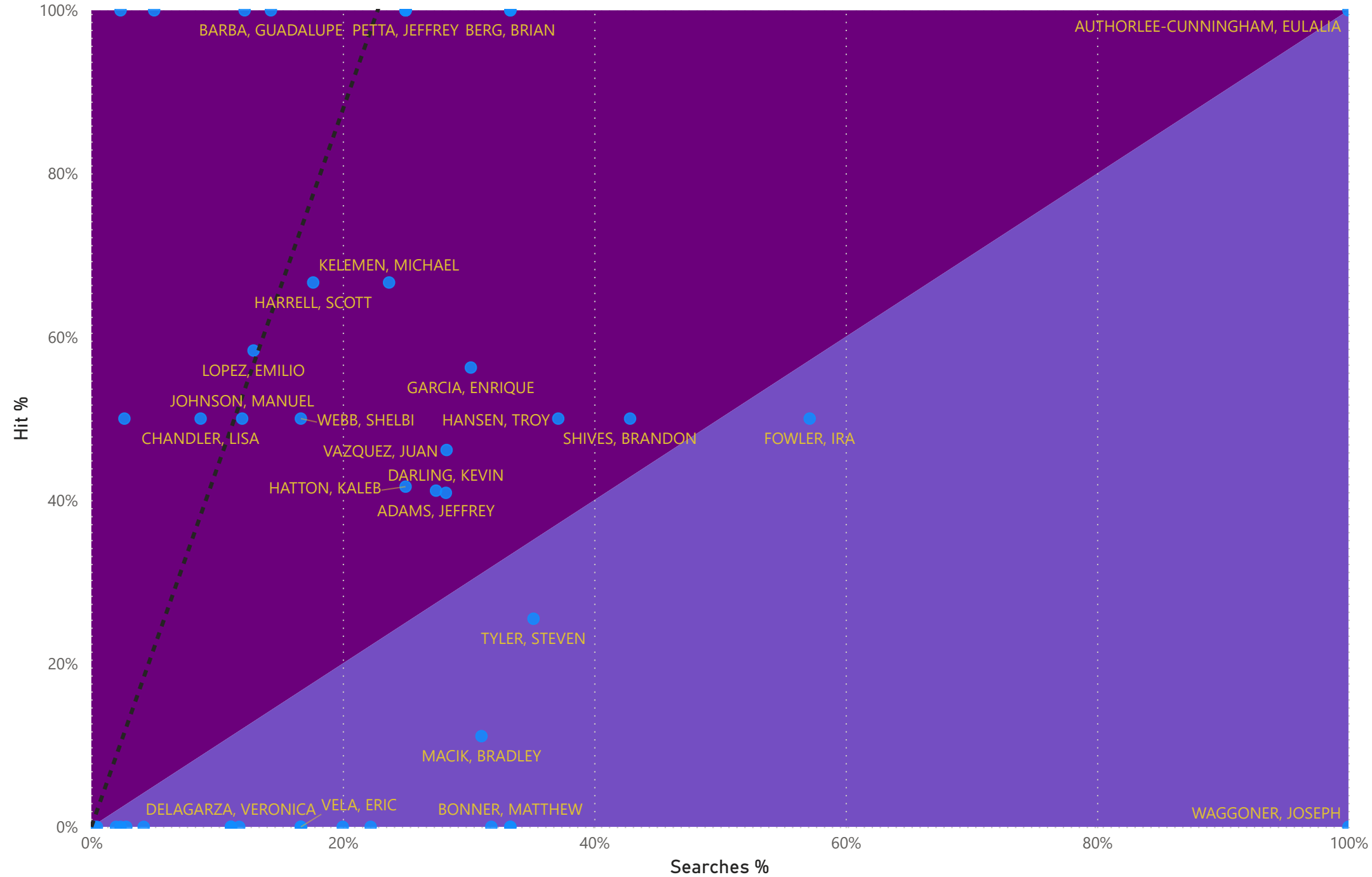
42.63%

Hit % Black

Searches %, Hit %, Count of rpmainid and Searches by Full Name and race

race ● Black

- Asian
- Black
- Hispanic
- Indian
- White



CITY COMMISSION REGULAR MTG

(5) (c)

Meeting Date: 02/16/2022

Submitted By: Rhomari Leigh, City Secretary

Department: City Secretary

Information

ACTION REQUEST (Brief Summary)

Crime Statistics Report for Calendar Year 2021 (Police Department)

BACKGROUND

ANALYSIS

ALTERNATIVES CONSIDERED

Fiscal Impact

Attachments

Staff Report



Texas City Police Department

2021 Annual Charts & Graphs

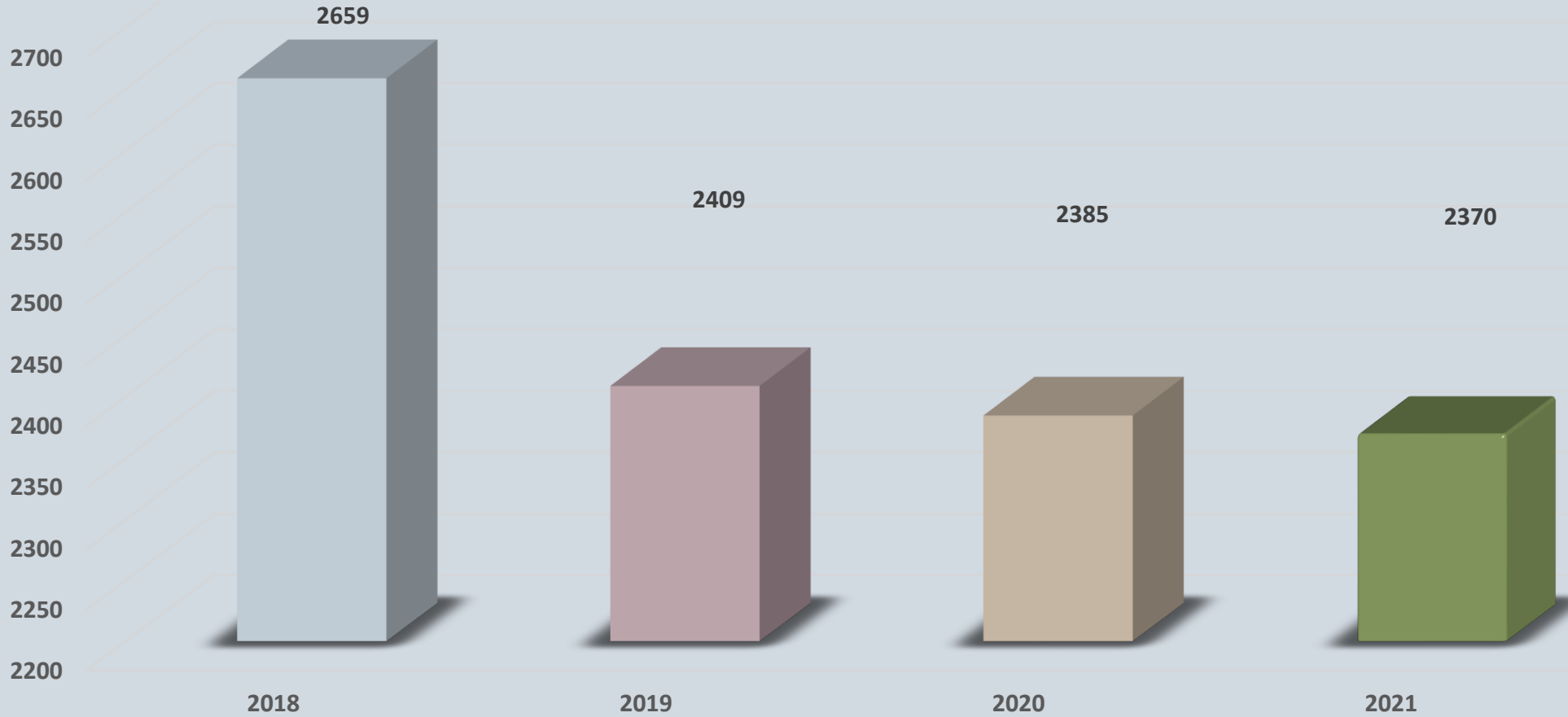


Texas City Police Department Crimes Stats

The information being presented was collected during 2021. This information was collected over the year by the National Incident-Based Reporting System, known as "NIBRS", which is an incident-based reporting system in which law enforcement collects data on each crime occurrence within their jurisdiction.

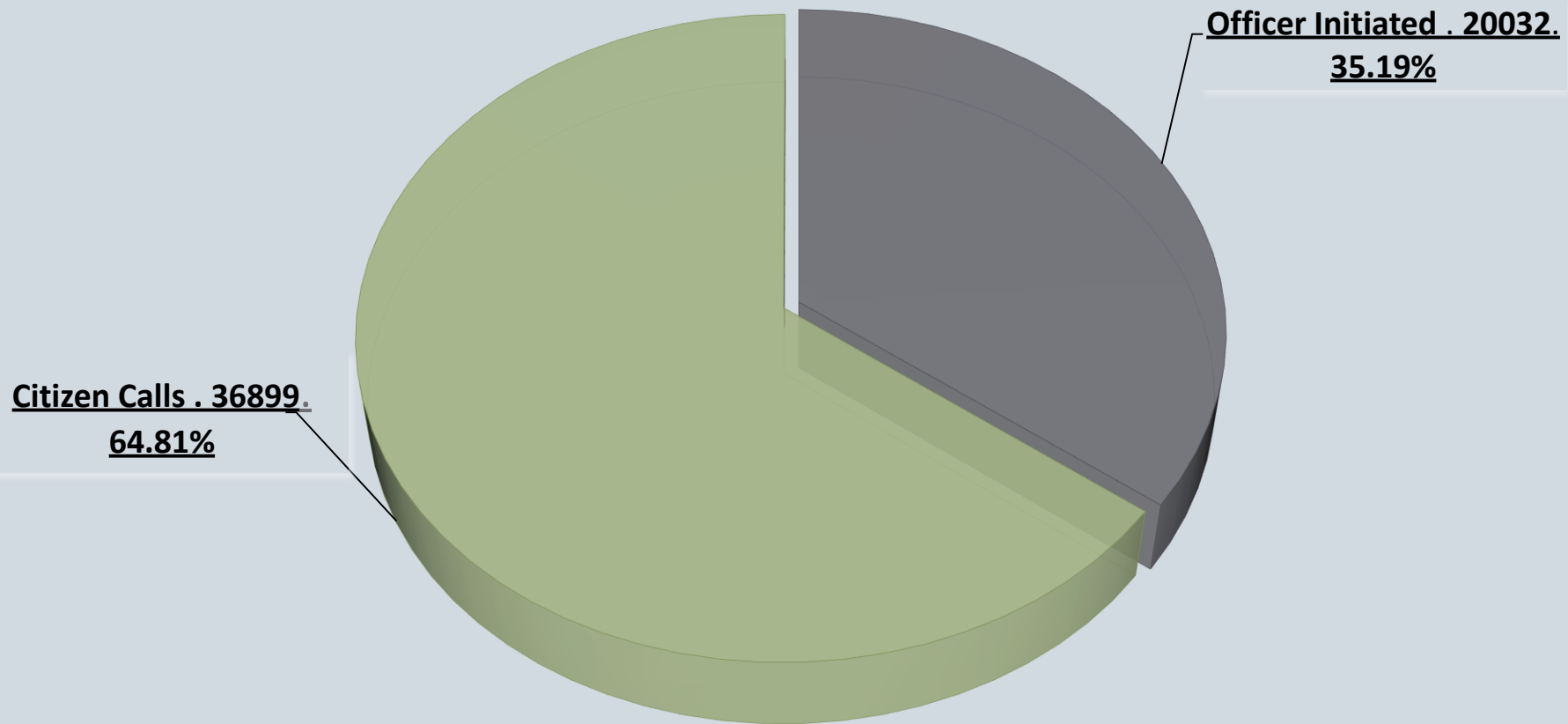


Total Crimes 2018-2021



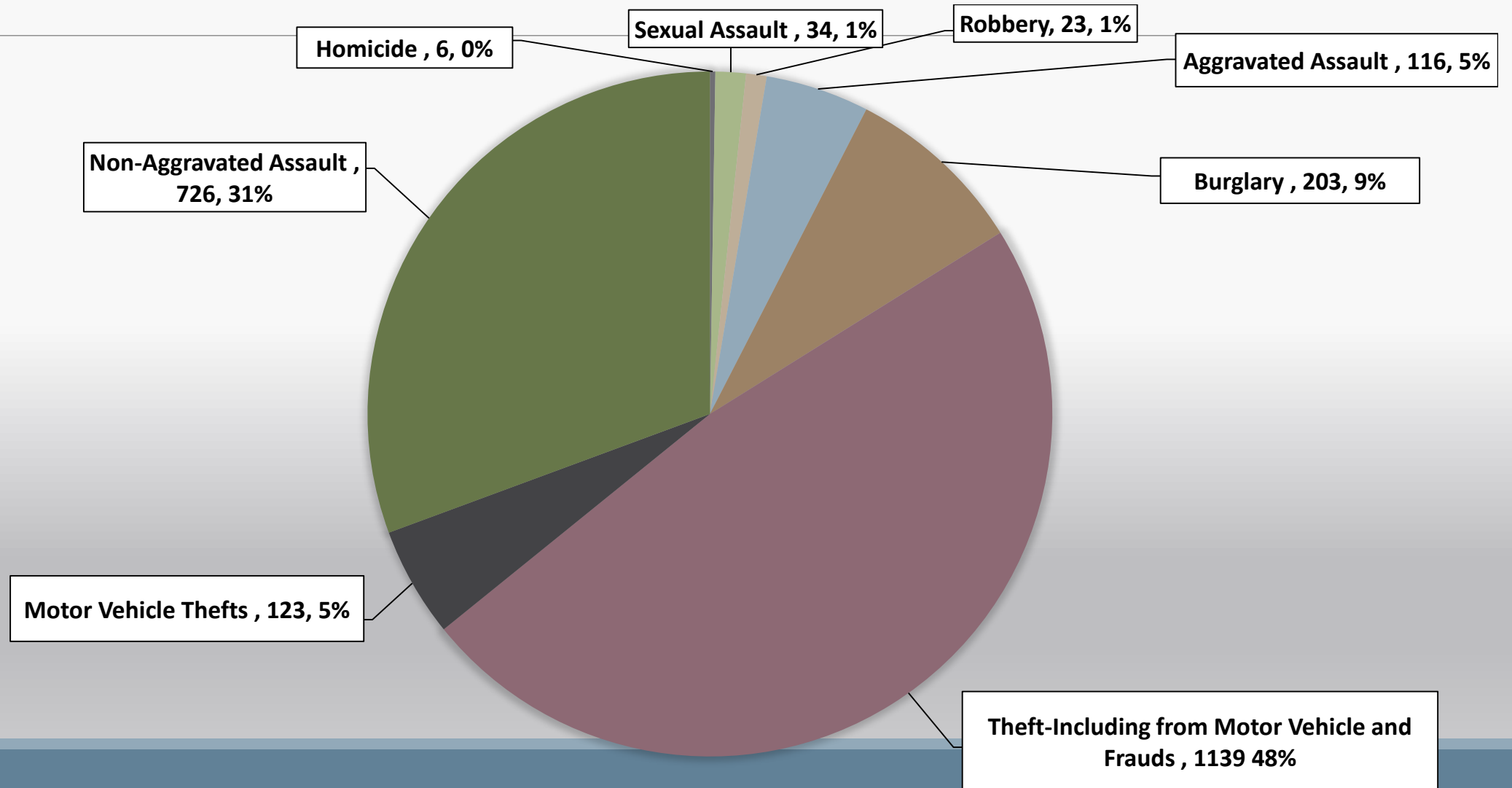


2021 Calls for Service 56,931 Total



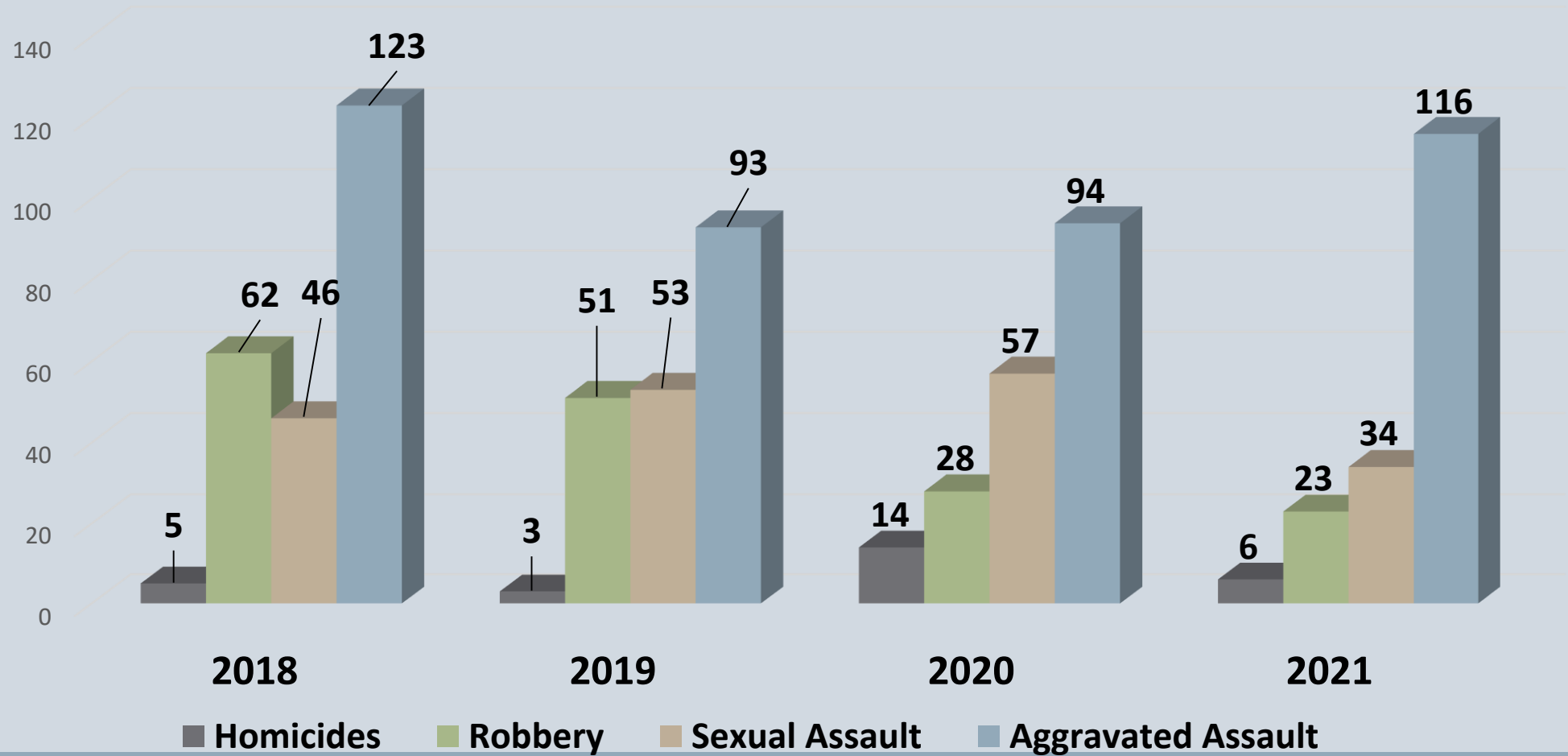


2021 Crimes



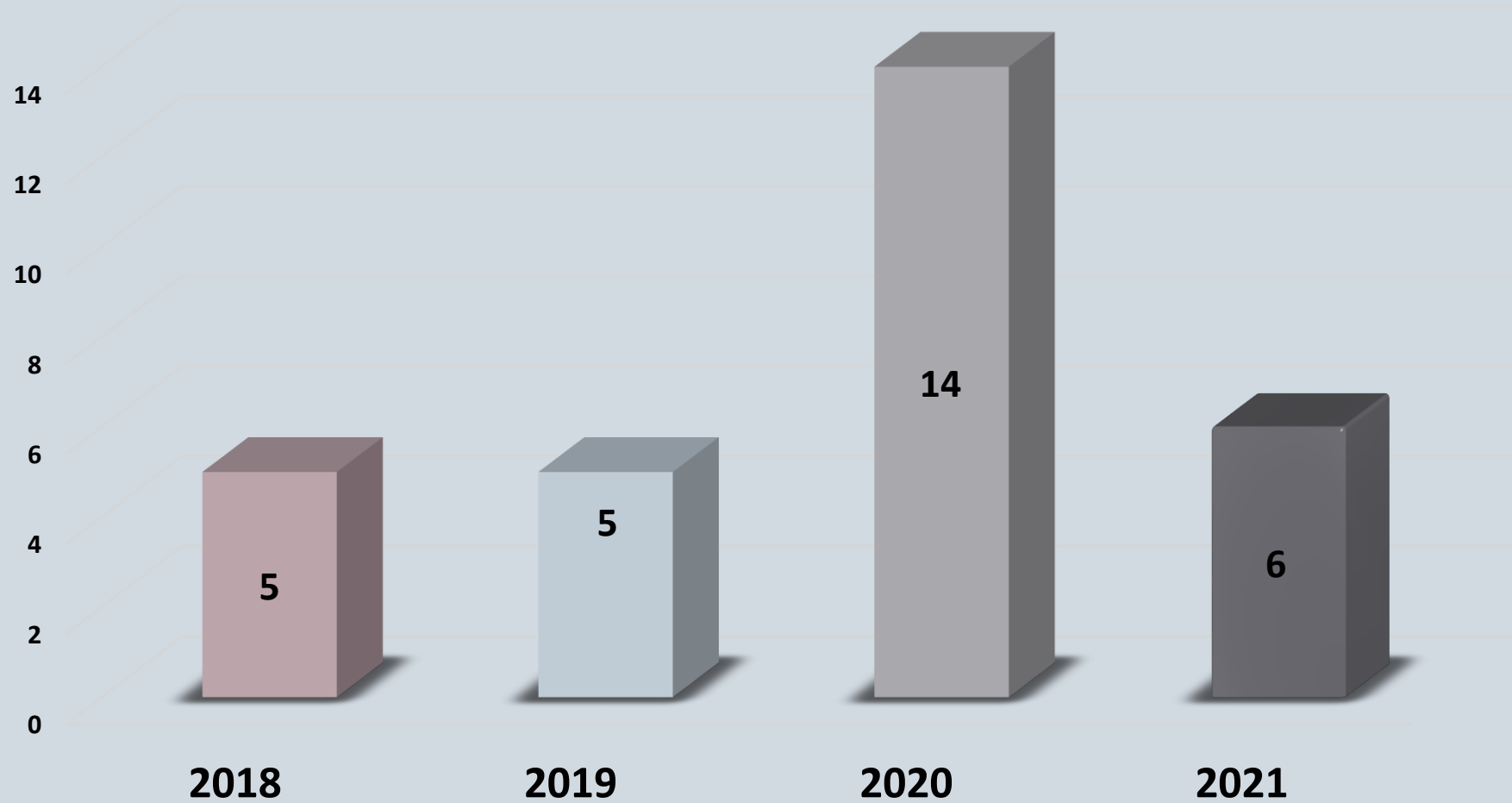


Violent Crime Comparison



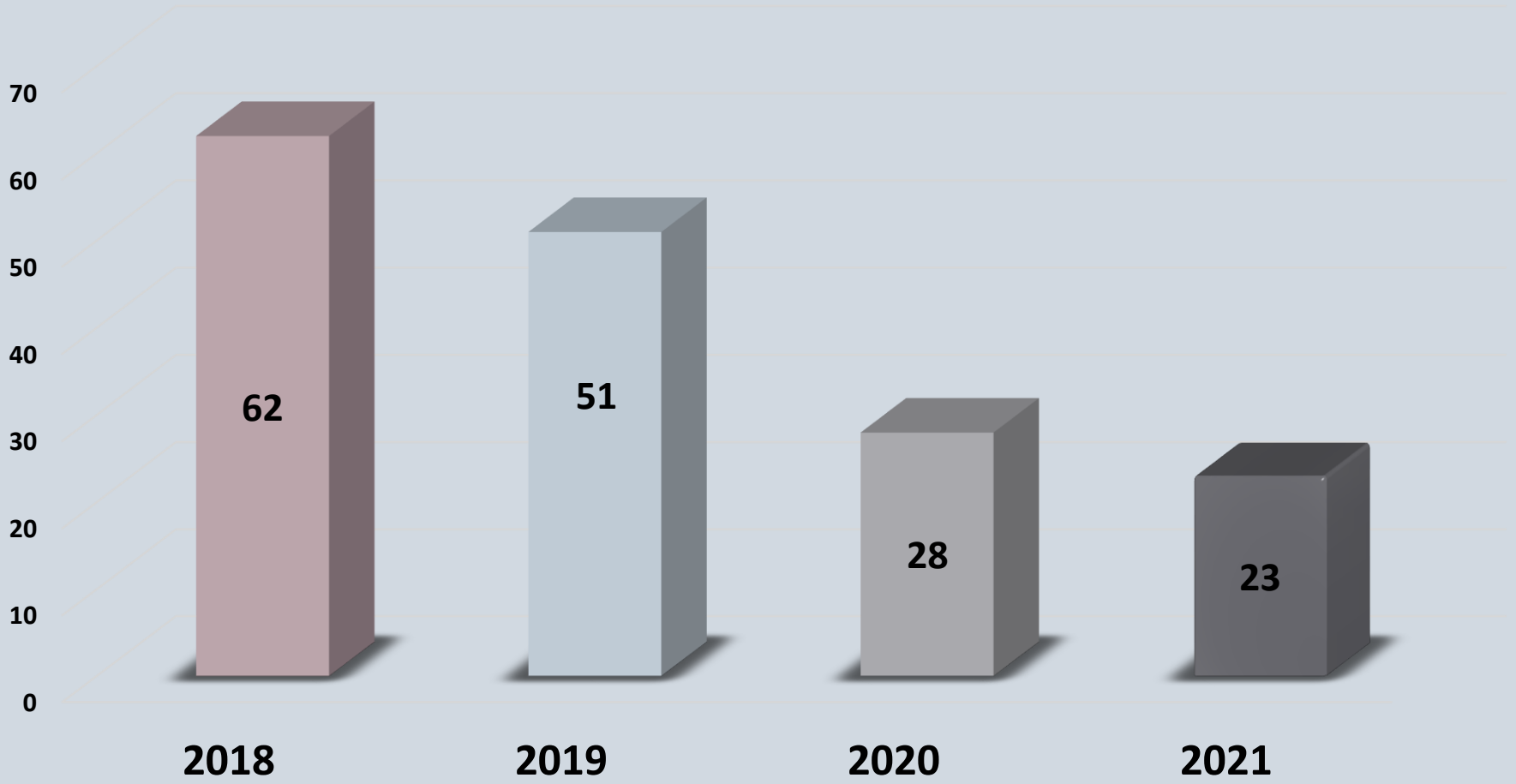


Homicides 2018-2021



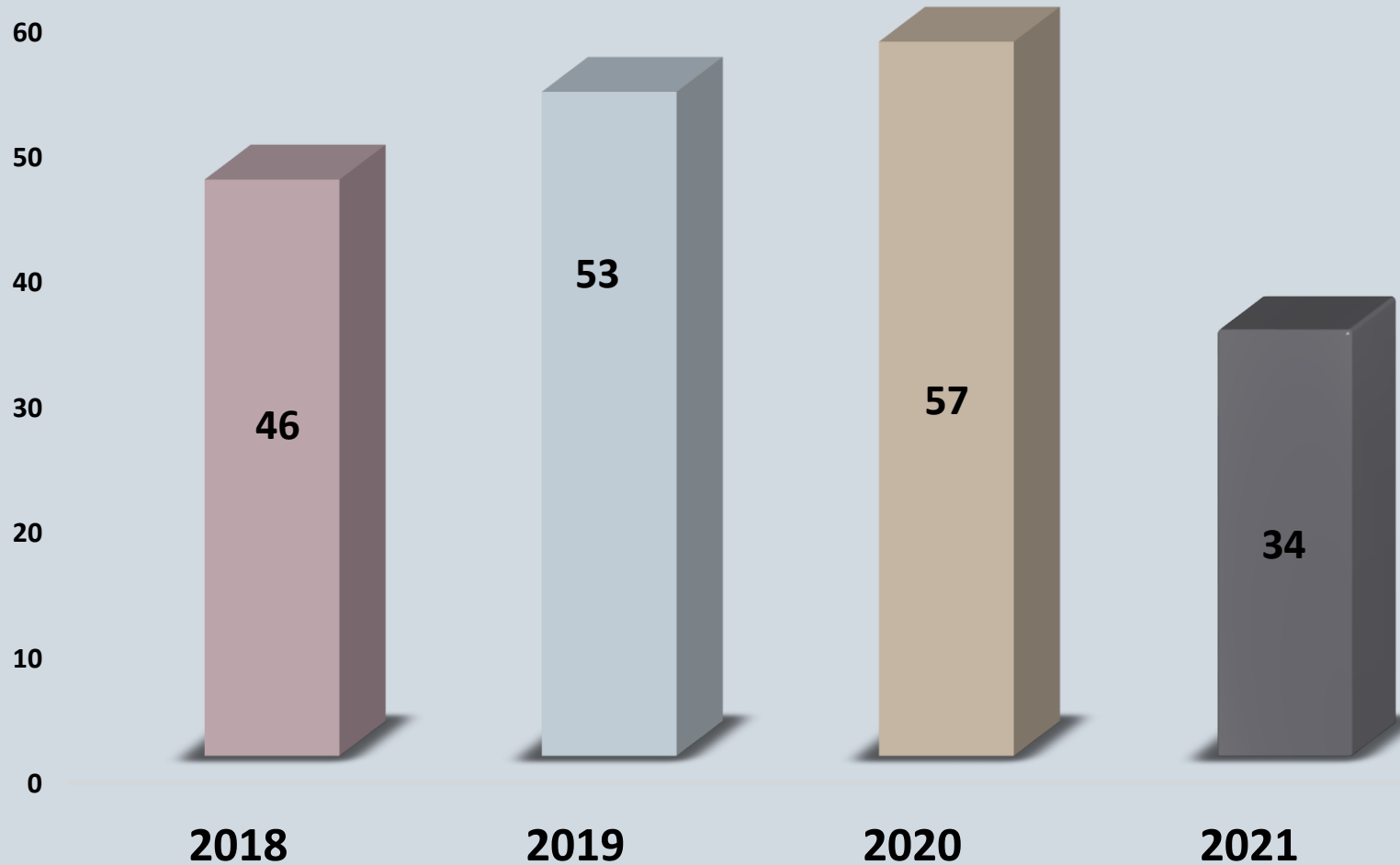


Robbery 2018-2021



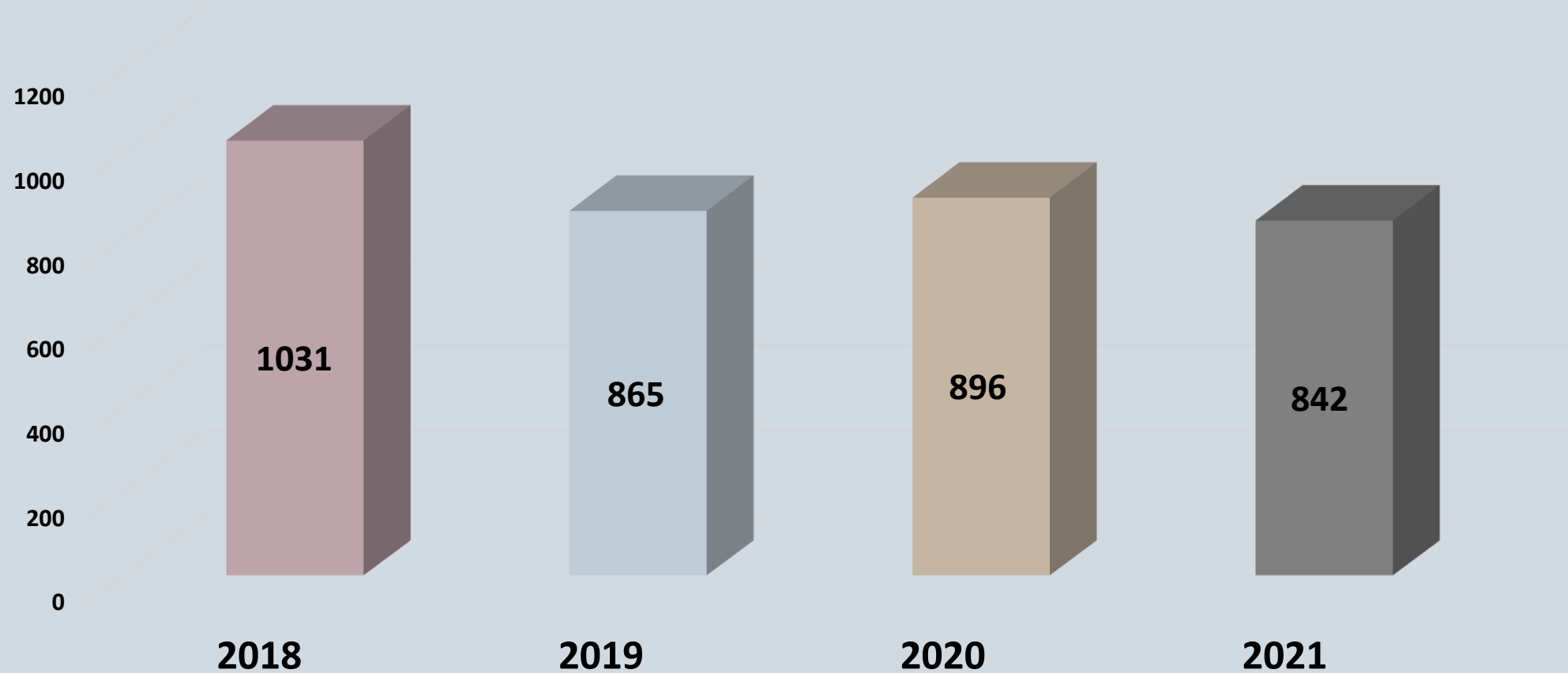


Sexual Assault 2018-2021



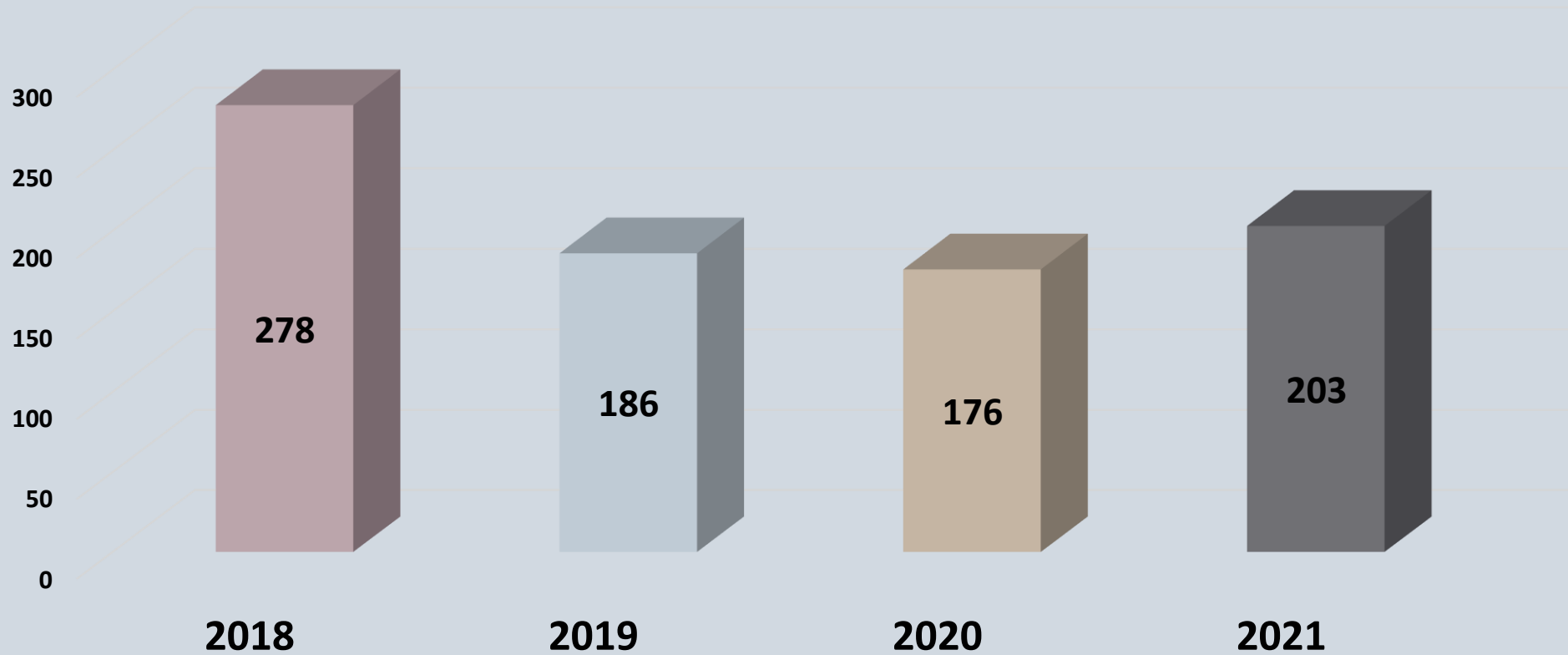


Assault (Aggravated and Simple) 2018-2021





Burglary 2018-2021

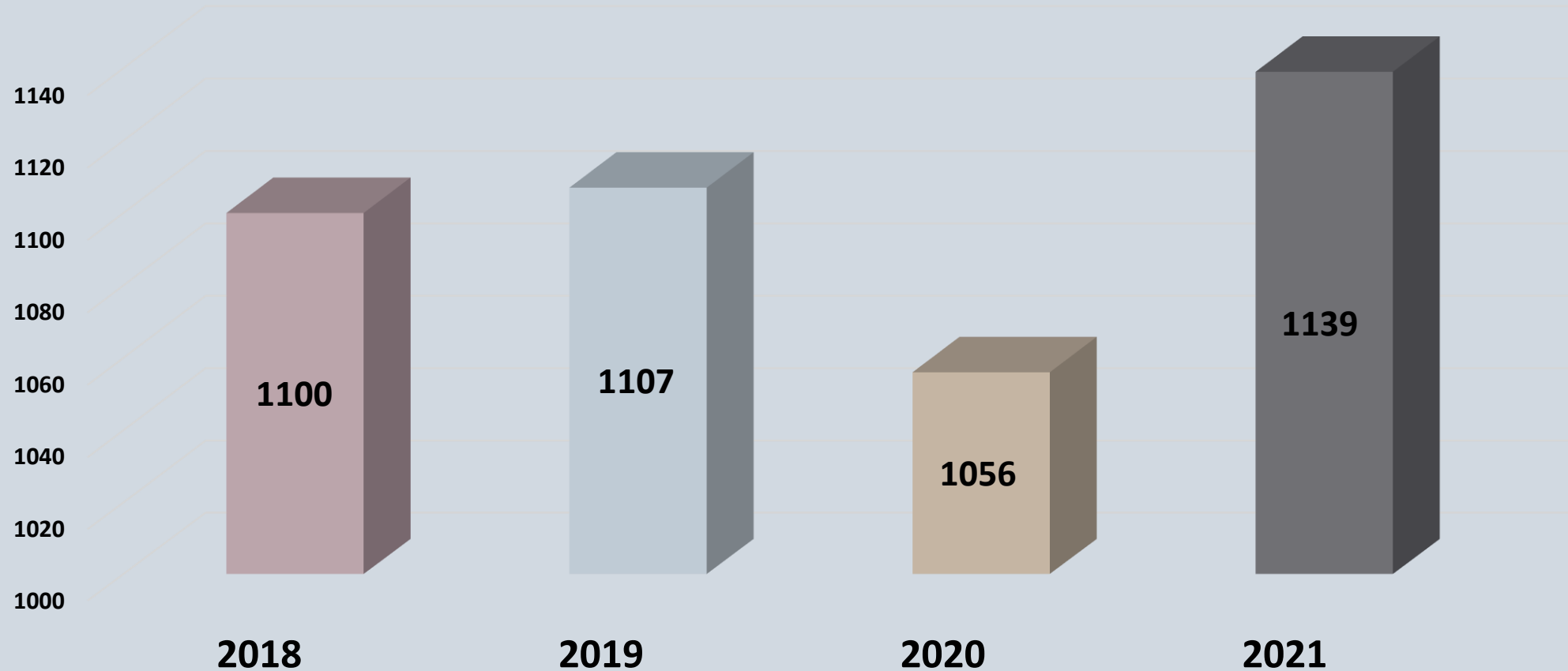




Theft

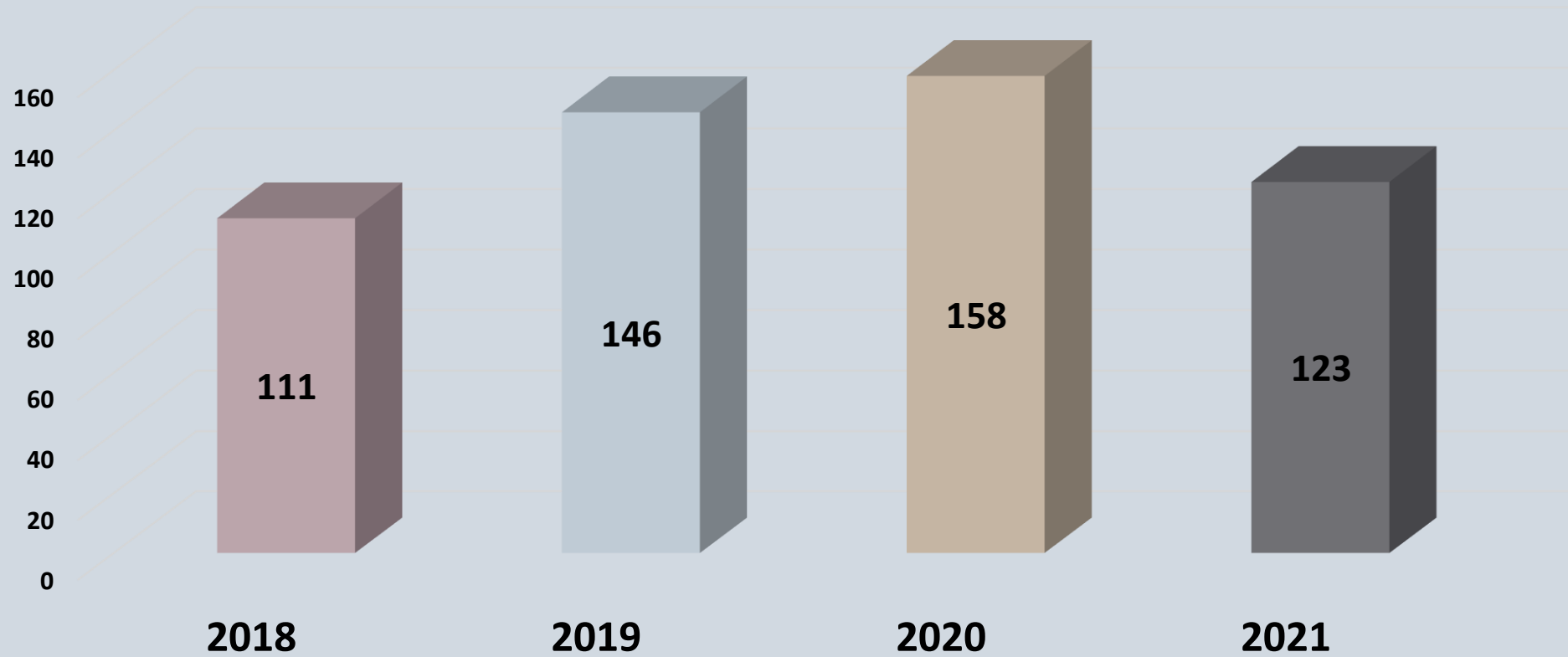
2018-2021

(Includes from motor vehicles and frauds)





Theft of Motor Vehicle 2018-2021



Questions?



CITY COMMISSION REGULAR MTG

(7) (a)

Meeting Date: 02/16/2022

Submitted By: Rhomari Leigh, City Secretary

Department: City Secretary

Information

ACTION REQUEST (Brief Summary)

Approve City Commission Minutes for February 2, 2022 meeting. (City Secretary)

BACKGROUND

ANALYSIS

ALTERNATIVES CONSIDERED

Fiscal Impact

Attachments

Minutes

REGULAR CALLED CITY COMMISSION MEETING

MINUTES

WEDNESDAY, FEBRUARY 2, 2022 – 5:00 P.M.
KENNETH T. NUNN COUNCIL ROOM – CITY HALL

A Regular Called Meeting of the City Commission was held on Wednesday, FEBRUARY 2, 2022, at 5:00 P.M. in the Kenneth T. Nunn Council Room in City Hall, Texas City, Texas. A quorum having been met, the meeting was called to order at 5:00 p.m. by Mayor Dedrick D. Johnson.

1. ROLL CALL

Present: Dedrick D. Johnson, Mayor
Thelma Bowie, Commissioner At-Large, Mayor Pro Tem
Kevin Yackly, Commissioner At-Large
Keith Henry, Commissioner District 1
Dorthea Jones Pointer, Commissioner District 3
Jami Clark, Commissioner District 4

Absent: Felix Herrera, Commissioner District 2

2. INVOCATION

Led by Mayor Dedrick D. Johnson.

3. PLEDGE OF ALLEGIANCE

Led by Commissioner Kevin Yackly.

4. PROCLAMATIONS AND PRESENTATIONS

- a. Recognition of Sgt. Mickey House, Sr. for his 22 years of service to the Texas City Police Department's SWAT Team.

Chief Joseph Stanton gave a plaque of recognition and retirement from the SWAT Team to Sgt. House.

5. REPORTS

- a. Financial Quarterly Report

Laura Boyd, Finance Director, gave an update on the City's investment portfolio.

Commissioner Keith Henry entered the Council Room.

6. PUBLIC COMMENTS

Comments were received from Mark Johnson, Barbra White, and Gary Scoggin.

7. CONSENT AGENDA

Motioned by Commissioner Jami Clark to approve Consent Agenda Items a, b, c, d, and e.
Seconded by Commissioner Kevin Yackly.

- a. Approve City Commission Minutes for January 19, 2022 meeting. (City Secretary)

Vote: 6 - 0 CARRIED

- b. Consider and take action on Resolution No. 2022-008, appointing/reappointing members to the Tax Reinvestment Zone (TIRZ) Number One Board of Directors and the Lago Mar Development Authority Board of Directors. (Management Services)

Vote: 6 - 0 CARRIED

- c. Consider and take action on Resolution No. 2022-009, approving the adoption and submission of a Substantial Amendment to the 2020 CDBG Consolidated Plan and the 2021 CDBG Annual Action Plan to HUD. (Community Development)

Vote: 6 - 0 CARRIED

- d. Consider and take action on Resolution No. 2022-010, authorizing Assistant Police Chief Jess Colwell to submit and administer a grant for Texas City Police Department. (Police Department)

Vote: 6 - 0 CARRIED

- e. Consider and take action on Resolution No. 2022-011, approving and awarding a contract for Bid No. 2022-008 Basalt Rock Annual Contract. (Public Works)

Vote: 6 - 0 CARRIED

8. REGULAR ITEMS

- a. Consider and take action on Resolution No. 2022-012, regarding Petition for Consent to Annex land into Galveston County Municipal Utility District No. 31. (Engineering & Planning)

Kim Golden, City Engineer, stated that this Petition to Consent to Annex came from the developer.

Motion by Commissioner District 4 Jami Clark, Seconded by Commissioner District 3 Dorthea Jones Pointer

Vote: 6 - 0 CARRIED

9. ADJOURNMENT

Having no further business, Commissioner District 3 Dorthea Jones Pointer made a MOTION to ADJOURN at 5:47 p.m.; the motion was SECONDED by Commissioner At-Large Kevin Yackly. All present voted AYE. MOTION CARRIED.

DEDRICK D. JOHNSON, SR., MAYOR

ATTEST:

Rhomari Leigh, City Secretary
Date Approved:

CITY COMMISSION REGULAR MTG

(7) (b)

Meeting Date: 02/16/2022

Mosquito Control Program

Submitted For: Rhomari Leigh, City Secretary

Submitted By: Rhomari Leigh, City Secretary

Department: City Secretary

Information

ACTION REQUEST (Brief Summary)

Consider approval of Resolution No. 2022-012, authorizing the Galveston County Mosquito Control District to perform aerial spraying over Texas City within Galveston County. (Management Services)

BACKGROUND

The Mosquito Control Program of GALVESTON COUNTY MOSQUITO CONTROL DISTRICT is requesting approval of the enclosed resolution authorizing the aerial spraying for mosquitoes. The Federal Aviation Administration requires us to make a request on a yearly basis. This request does not imply any change in our operations.

ANALYSIS

ALTERNATIVES CONSIDERED

Fiscal Impact

Attachments

Attachment
Resolution



GALVESTON COUNTY MOSQUITO CONTROL DISTRICT

5115 HWY 3
DICKINSON, TEXAS 77539

JOHN G. MARSHALL, JR
DIRECTOR
281-337-4289

ADVISORY BOARD
Jerry Valentine, Chairman
James Frederickson, Vice Chairman
Barbara Hutchinson, Secretary
Leo Bookman
Keith A. Dill

January 19, 2022

Rhomari Leigh, City Secretary
City of Texas City
1801 9th Ave. North
Texas City, TX 77590

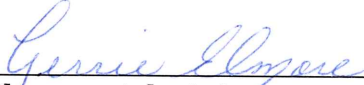
Dear Ms. Leigh:

As providers of the county funded Mosquito Control Program, we are requesting your approval of the enclosed resolution authorizing the aerial spraying for mosquitoes. The Federal Aviation Administration requires us to make a request on a yearly basis. This request does not imply any change in our operations.

I would appreciate it if you would send a copy of the resolution after it has been approved, to my office. You may mail it to 5115 Hwy. 3, Dickinson, TX 77539 or fax it to (409)-621-7973 and you can also e-mail it to gerrie.elmore@co.galveston.tx.us.

If you have any questions or concerns please do not hesitate to contact my office at (281) 337-4289.

Sincerely,



Gerrie Elmore, Administrative Assistant
Galveston County Mosquito Control

Enclosure

R E S O L U T I O N

STATE OF TEXAS)

COUNTY OF GALVESTON)

WHEREAS, The Galveston County Mosquito Control District is responsible for the operation of the county-wide Mosquito Control Program, and

WHEREAS, The Federal Aviation Administration has indicated that governmental approval is necessary to provide aerial spraying services over the territories of general purpose governments,

NOW, THEREFORE BE IT RESOLVED, that this body approves the aerial spraying over its territory for the abatement of mosquitoes providing such spraying is conducted within the regulations and constraints of The Federal Aviation Administration, The Environmental Protection Agency, and other authoritative federal and state agencies.

Signed at _____, Texas,

this the _____ day of _____, 20 _____
A.D.

ATTEST:

RESOLUTION NO. 2022-013

A RESOLUTION APPROVING THE AERIAL SPRAYING OVER THE TERRITORY OF THE CITY OF TEXAS CITY, TEXAS, FOR THE ABATEMENT OF MOSQUITOES BY THE GALVESTON COUNTY MOSQUITO CONTROL DISTRICT; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, the Galveston County Mosquito Control District is responsible for the operation of the county-wide Mosquito Control Program; and

WHEREAS, the Federal Aviation Administration has indicated that governmental approval is necessary to provide aerial spraying services over the territories of general-purpose governments.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF TEXAS CITY, TEXAS:

SECTION 1: That the City Commission hereby approves the aerial spraying over its territory for the abatement of mosquitoes, provided such spraying is conducted within the regulations and constraints of the Federal Aviation Administration, The Environmental Protection Agency, and other authoritative federal and state agencies.

SECTION 2: That this Resolution shall be in full force and effect from and after its passage and adoption.

PASSED AND ADOPTED this 16th day of February 2022.

Dedrick D. Johnson, Jr., Mayor
City of Texas City, Texas

ATTEST:

APPROVED AS TO FORM:

Rhomari D. Leigh
City Secretary

Kyle L. Dickson
City Attorney

CITY COMMISSION REGULAR MTG

(7) (c)

Meeting Date: 02/16/2022

Deere & Company

Submitted For: Dennis J Harris, Recreation and Tourism

Submitted By: Rhomari Leigh, City Secretary

Department: Recreation and Tourism

Information

ACTION REQUEST (Brief Summary)

Consider and take action on approving and awarding the purchase of 2 Capital Equipment for the Bayou Golf Course from Deere & Company, through Buyboard (Contract #611-20) – local government purchasing cooperative.

BACKGROUND

Bayou Golf Course is requesting the purchase of a PrecisionCut Fairway Mower 8700A 2WD (\$75,356.05) and a Fertilizer Spreader (\$4,640.00). This equipment will be replacing existing equipment that is currently in the inventory. A copy of the proposal for the purchase is attached for your review.

ANALYSIS

It is recommended to accept Deere & Company, proposed buyboard (Contract #611-20) in the amount of \$79,996.05. Funds are available in the FY 2021-22 Capital Equipment Replacement Budget.

ALTERNATIVES CONSIDERED

Fiscal Impact

Attachments

Exhibit A
Resolution



ALL PURCHASE ORDERS MUST BE MADE OUT TO (VENDOR):

Deere & Company
2000 John Deere Run
Cary, NC 27513
FED ID: 36-2382580; DUNS#: 60-7690989

ALL PURCHASE ORDERS MUST BE SENT TO DELIVERING DEALER:

Brookside Equipment Sales
3715 S Sam Houston Pkwy E
Houston, TX 77047
713-943-7100
houstoncentral@brooksideusa.com

Quote Summary

Prepared For:

Ben Huerta
BAYOU GOLF COURSE CITY OF TEXAS CITY
Ben Huerta
PO BOX 2608
TEXAS CITY, TX 77592
Mobile: 409-770-4846

Delivering Dealer:

Brookside Equipment Sales
Brant North
3715 S Sam Houston Pkwy E
Houston, TX 77047
Phone: 713-943-7100
Mobile: 713-943-7100
bnorth@brooksideusa.com

Buyboard Contract 611-20.

The 8700A 2WD is 55HP and current orders are scheduled to be built in September 2022.

Quote ID: 25896538
Created On: 11 January 2022
Last Modified On: 07 February 2022
Expiration Date: 11 March 2022

Orders must be received asap to secure a fairway mower build in September. Lely L1250 is included in this quote.

| Equipment Summary | Suggested List | Selling Price | Qty | Extended |
|---|----------------|----------------|-----|---------------------|
| JOHN DEERE 8700A PrecisionCut Fairway Mower | \$ 102,505.00 | \$ 79,996.05 X | 1 = | \$ 79,996.05 |
| Contract: TX BuyBoard Grounds Mtn Equip, Irrigation 611-20 (PG 67 CG 70) | | | | |
| Price Effective Date: January 10, 2022 | | | | |
| Equipment Total | | | | \$ 79,996.05 |

* Includes Fees and Non-contract items

Quote Summary

| | |
|----------------------------|---------------------|
| Equipment Total | \$ 79,996.05 |
| Trade In | |
| SubTotal | \$ 79,996.05 |
| Est. Service Agreement Tax | \$ 0.00 |
| Total | \$ 79,996.05 |
| Down Payment | (0.00) |
| Rental Applied | (0.00) |

Salesperson : X _____

Accepted By : X _____

Selling Equipment

Quote Id: 25896538 Customer Name: BAYOU GOLF COURSE CITY OF TEXAS CITY

ALL PURCHASE ORDERS MUST BE MADE OUT TO (VENDOR):

Deere & Company
 2000 John Deere Run
 Cary, NC 27513
 FED ID: 36-2382580; DUNS#: 60-7690989

ALL PURCHASE ORDERS MUST BE SENT TO DELIVERING DEALER:

Brookside Equipment Sales
 3715 S Sam Houston Pkwy E
 Houston, TX 77047
 713-943-7100
 houstoncentral@brooksideusa.com

JOHN DEERE 8700A PrecisionCut Fairway Mower

| | |
|---|-------------------------|
| Hours: | Suggested List * |
| Stock Number: | \$ 102,505.00 |
| Contract: TX BuyBoard Grounds Mtnc Equip, Irrigation 611-20 (PG 67 CG 70) | Selling Price * |
| | \$ 79,996.05 |

Price Effective Date: January 10, 2022

* Price per item - includes Fees and Non-contract items

| Code | Description | Qty | List Price | Discount% | Discount Amount | Contract Price | Extended Contract Price |
|--|--|-----|----------------------|-----------|---------------------|---------------------|-------------------------|
| 152ATC | 8700A PrecisionCut Fairway Mower | 1 | \$ 77,339.00 | 23.00 | \$ 17,787.97 | \$ 59,551.03 | \$ 59,551.03 |
| Standard Options - Per Unit | | | | | | | |
| 001A | United States and Canada | 1 | \$ 0.00 | 23.00 | \$ 0.00 | \$ 0.00 | \$ 0.00 |
| 183B | Less JDLink™ Hardware | 1 | \$ 0.00 | 23.00 | \$ 0.00 | \$ 0.00 | \$ 0.00 |
| 0443 | All Other countries (English/Spanish) | 1 | \$ 0.00 | 23.00 | \$ 0.00 | \$ 0.00 | \$ 0.00 |
| 1208 | Quick Adjust 7 (QA7) 8-blade Cutting Units | 1 | \$ 17,822.00 | 23.00 | \$ 4,099.06 | \$ 13,722.94 | \$ 13,722.94 |
| 1305 | 76.2 mm (3-in.) Diameter Heavy Duty Grooved Disc Rollers | 1 | \$ 1,564.00 | 23.00 | \$ 359.72 | \$ 1,204.28 | \$ 1,204.28 |
| 1401 | QA7 Cutting Unit ONLY Counterweights | 1 | \$ 406.00 | 23.00 | \$ 93.38 | \$ 312.62 | \$ 312.62 |
| 9764 | Canopy | 1 | \$ 734.00 | 23.00 | \$ 168.82 | \$ 565.18 | \$ 565.18 |
| Standard Options Total | | | \$ 20,526.00 | | \$ 4,720.98 | \$ 15,805.02 | \$ 15,805.02 |
| Dealer Attachments/Non-Contract/Open Market | | | | | | | |
| Lely | L1250 Fertilizer spreader (Non-Contract, Non-Deere) | 1 | \$ 4,640.00 | 0.00 | \$ 0.00 | \$ 4,640.00 | \$ 4,640.00 |
| Dealer Attachments Total | | | \$ 4,640.00 | | \$ 0.00 | \$ 4,640.00 | \$ 4,640.00 |
| Value Added Services Total | | | \$ 0.00 | | | \$ 0.00 | \$ 0.00 |
| Total Selling Price | | | \$ 102,505.00 | | \$ 22,508.95 | \$ 79,996.05 | \$ 79,996.05 |



8700A

PrecisionCut™ Fairway Mower

- TechControl™ Display locks in performance, and uptime
- Set mowing turn speed to reduce scuffing
- AutoPedal™ lowers fuel consumption and noise
- Final Tier 4 without sacrificing horsepower

[Find a Dealer](#)

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Features

[Expand All](#)

- + TechControl display maximizes performance and uptime by allowing more control in operation and diagnostics
- + eHydro™ hydrostatic pump and large-capacity wheel motors for serious hill-climbing capabilities
- + GRIP All-Wheel Drive Traction System provides superior traction by reducing wheel slip
- + Double-acting, single-rod hydraulic steering cylinder for lines as straight as a greens mower
- + Tires sized for proper weight distribution and a low ground pressure

Show More

Specs & Compare

Key Specs

| | |
|---------------------------------|--|
| Maximum rated horsepower | At 2800 rpm ISOC: 41.1 kW 55.1 hp |
| Drive pump | Tandem gear pump |
| Ground pressure | 69 kPa 10 psi |
| Throttle | Automatic controls with AutoPedal foot controls; manual control through TechControl display |

| | |
|---|--|
| Operator display | TechControl Display: Located on Command Arm; displays machine warnings, on-board electrical diagnostics; service timers on large easy to read screen; quick on the go settings for mow and transport speed; Turn Speed; Loadmatch™ and ON/OFF Cruise Control Use selection: all settings are pass code protected |
| Mowing speed | 0-12.8 km/h 0-8.0 mph |
| Cutting unit size | Quick Adjust QA7: 55.9 cm cm 22 in. |
| Total width of cut | 254 cm 100 in. |
| Reel diameter | 17.8 cm 7 in. |
| Frequency of clip (FOC Reels) OR Blade tip speed (decks) | 10 Blade: 1.06 mm/km/h 10 Blade: 0.067 in./mph 8 Blade: 1.33 mm/km/h 8 Blade: 0.084 in./mph |

Engine

| | |
|---------------------------|--|
| Type | Direct Inject Turbocharged Diesel |
| Compliant emission | United States and Canada Tier 4 |
| Horsepower | Maximum rated horsepower At 2800 rpm ISOC: 41.1 kW 55.1 hp |
| Cylinders | Four |

| | |
|-----------------------|---|
| Displacement | 2.091 L 127.6 cu in. |
| Air cleaner | 2-stage dry element |
| Fuel | Diesel Up to B20 compliant |
| Cooling system | Liquid centrifugal pump; forward machine location for optimum cooling |

[Show More](#)

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*Manufacturer's suggested price. MSRP may be different in California. Taxes, freight, setup, and delivery not included. Optional accessories and attachments not included. Equipment, models and prices may vary by dealer. Product options and accessories may not be available in all regions. Product features are based on published information at the time of publication. Product features are subject to change without notice.

**LIMITED WARRANTY FOR NEW JOHN DEERE TURF & UTILITY EQUIPMENT
(U.S. ONLY)**



JOHN DEERE

- A. GENERAL PROVISIONS** – The warranties described below are provided by Deere & Company (“John Deere”) to the original purchaser of new Turf & Utility Equipment (“Equipment”) from John Deere or authorized John Deere dealers. Under these warranties, John Deere will repair or replace, at its option, any covered part which is found to be defective in material or workmanship during the applicable warranty term. Warranty service must be performed by a dealer or service center authorized by John Deere to sell and/or service the type of Equipment involved, which will use only new or remanufactured parts or components furnished by John Deere. Warranty service will be performed without charge to the purchaser for parts or labor. The purchaser will be responsible, however, for any service call and/or transportation of product to and from the dealer’s or service center’s place of business, for any premium charged for overtime labor requested by the purchaser, and for any service and/or maintenance not directly related to any defect covered under the warranties below. These warranties are transferable, provided an authorized John Deere dealer is notified of the ownership change, and John Deere approves the transfer.
- B. WHAT IS WARRANTED** – All parts of any new John Deere Equipment, except tires and batteries (which are warranted under separate documents provided with each product), are warranted for the number of months or operating hours specified below. Warranty statements required by law covering engine emission-related parts and components, which shall not be less than the engine warranty, are found in the Operator’s Manual delivered with the Equipment. **Included In Compact Utility Tractor Powertrain Warranty** - Engine: cylinder block, cylinder head, valve covers, oil pan, timing gear covers, flywheel housing, emissions control components and all parts contained therein. **Powertrain:** transmission, transmission case, differential and axle housings, clutch housings, MFWD front axle assembly, and all parts contained therein (does not include external drivelines, dry clutch parts, or steering cylinders).
- C. WHAT IS NOT WARRANTED** – **JOHN DEERE IS NOT RESPONSIBLE FOR THE FOLLOWING:** (1) Used Equipment; (2) Any Equipment that has been altered or modified in ways not approved by John Deere, including, but not limited to, setting injection pump fuel delivery above John Deere specifications; (3) Depreciation or damage caused by normal wear, lack of reasonable and proper maintenance, failure to follow operating instructions, misuse, lack of proper protection during storage, or accident; (4) The Utility Vehicle if used for racing or any other competitive activity; (5) Normal maintenance parts and service; (6) Golf & Turf Equipment is warranted under separate warranty.
- D. SECURING WARRANTY SERVICE** – To secure warranty service, the purchaser must (1) Report the product defect to an authorized dealer and request repair within the applicable warranty term, (2) Present evidence of the warranty start date, and (3) Make the Equipment available to an authorized dealer or service center within a reasonable period of time.
- E. LIMITATION OF IMPLIED WARRANTIES AND OTHER REMEDIES – TURF & UTILITY EQUIPMENT** – To the extent permitted by law, neither John Deere nor any company affiliated with it makes any warranties, representations or promises as to the quality, performance or freedom from defect of the Turf & Utility Equipment covered by this warranty. **IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE, TO THE EXTENT APPLICABLE, SHALL BE LIMITED IN DURATION TO THE APPLICABLE PERIOD OF WARRANTY SET FORTH ON THIS PAGE. THE PURCHASER’S ONLY REMEDIES IN CONNECTION WITH THE BREACH OR PERFORMANCE OF ANY WARRANTY ON THE JOHN DEERE TURF & UTILITY EQUIPMENT ARE THOSE SET FORTH ON THIS PAGE. IN NO EVENT WILL THE DEALER, JOHN DEERE OR ANY COMPANY AFFILIATED WITH JOHN DEERE BE LIABLE FOR INCIDENTAL OR CONSEQUENTIAL DAMAGES.** (Note: some states do not allow limitations on how long an implied warranty lasts or the exclusion or limitation of incidental or consequential damages so the above limitations and exclusions may not apply to you.) This warranty gives you specific legal rights, and you may also have other rights which vary from state to state.
- F. NO DEALER WARRANTY** – The selling dealer makes no warranty of its own and the dealer has no authority to make any representation or promise on behalf of John Deere, or to modify the terms or limitations of this warranty in any way.

If further information is desired, contact your selling dealer.

| TURF & UTILITY EQUIPMENT | WARRANTY TERM * |
|--|--|
| 1) Z200 Series and Z425 EZtrak™ Mowers, Z300 Series and Z525E ZTrak™ Mowers, and 100 Series Tractors ** | 24 Months or 120 Hours, Whichever Comes First |
| 2) S200 Series Tractors** | 36 Months or 200 Hours, Whichever Comes First |
| 3) X300 Series Tractors; Z400 Series EZtrak™ Mowers and Z500M Series ZTrak™ Mowers (Except Z425 and Z525E)** | 48 Months or 300 Hours, Whichever Comes First |
| 4) X500 Series Tractors; Z600 Series EZtrak™ Mowers and Z500R Series ZTrak™ Mowers ** | 48 Months or 500 Hours, Whichever Comes First |
| 5) X700 Series Tractors ** | 48 Months or 700 Hours, Whichever Comes First |
| 6) J5 Series Residential Walk-Behind Mowers | 24 Months in Private Residential - Personal Use 90 Days in Any Other Application |
| 7) Wide Area Mowers, Front Mower Traction Units and Mower Decks, QuickTrak™ Mowers, Commercial Walk Behind Mowers | 24 Months |
| 8) Z900B, Z900E, and Z900M Series ZTrak™ Mowers | 36 Months or 1200 Hours, Whichever Comes First First 24 Months, No Hour Limitation |
| 9) Z997, Z900A Series and Z900R Series ZTrak™ Mowers | 36 Months or 1500 Hours, Whichever Comes First First 24 Months, No Hour Limitation |
| 10) Compact Utility Tractors a) Powertrain on Compact Utility Tractors (components as per B above) | 24 months or 2000 hours, Whichever Comes First 72 months or 2000 hours, Whichever Comes First |
| 11) GATOR™ Utility Vehicles (except CX) | 12 Months or 1000 Hours, Whichever Comes First |
| 12) Implements/Attachments sold separately or used on Equipment listed in 7 through 11 | 12 Months |
| 13) CX GATOR™**, All other Turf & Utility Equipment | 24 Months in Private Residential - Personal Use 12 Months in Any Other Application |

*Each Warranty Term begins on the date of product delivery to the purchaser.

**Implements/Attachments purchased on the same Purchase Order as the Equipment listed will be covered by the Equipment’s Warranty Term. Implements/Attachments purchased separately will be covered by the Warranty Term on line 12.



ALL PURCHASE ORDERS MUST BE MADE OUT TO (VENDOR):

Deere & Company
2000 John Deere Run
Cary, NC 27513
FED ID: 36-2382580; DUNS#: 60-7690989

ALL PURCHASE ORDERS MUST BE SENT TO DELIVERING DEALER:

Brookside Equipment Sales
3715 S Sam Houston Pkwy E
Houston, TX 77047
713-943-7100
houstoncentral@brooksideusa.com

Balance Due

\$ 79,996.05

Salesperson : X _____

Accepted By : X _____

Quotes are valid for 30 days from the creation date of the quote OR until the contract expires.

A Purchase Order or Letter of Intent is required for all orders.

To expedite the delivery of equipment, the below information must be included on your Purchase Order or Letter of Intent.

For any questions, please contact:

Brant North

Brookside Equipment Sales
3715 S Sam Houston Pkwy E
Houston, TX 77047

Tel: 713-943-7100
Mobile Phone: 713-943-7100
Fax: 713-943-9102
Email: bnorth@brooksideusa.com

- Vendor: Deere & Company
- 2000 John Deere Run
Cary, NC 27513
 - Signature
 - Shipping address
 - Billing address
 - Billing email address

If information is not included, the Purchase Order or Letter of Intent will be returned.

RESOLUTION NO. 2022-014

A RESOLUTION APPROVING THE PURCHASE OF TWO (2) CAPITAL EQUIPMENT FOR THE BAYOU GOLF COURSE FROM DEERE & COMPANY, THROUGH BUYBOARD, A LOCAL GOVERNMENT PURCHASING COOPERATIVE PROGRAM; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, the Texas City Recreation and Tourism Department requests the approval of purchase of two (2) Capital Equipment for the Bayou Golf Course from Deere & Company, through BuyBoard (Contract No. 611-20), a Local Purchasing Cooperative; and

WHEREAS, funds for this purchase are available through the 2021/2022 Fiscal Year Capital Equipment Budget; and

WHEREAS, it is the recommendation of the Texas City Recreation and Tourism Department to award the purchase of a PrecisionCut Fairway Mower 8700A 2WD (\$75,356.05) and a Fertilizer Spreader (\$4,640.00). This equipment will be replacing existing equipment that is currently in the inventory.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF TEXAS CITY, TEXAS:

SECTION 1: That the City Commission of the City of Texas City, Texas, hereby approves the purchase of purchase of two (2) Capital Equipment for the Bayou Golf Course from Deere & Company, through BuyBoard (Contract No. 611-20), a Local Purchasing Cooperative, for an approximate price of \$79,996.05, as set out on the quote attached hereto as **Exhibit “A”** and made a part hereof for all intents and purposes.

SECTION 2: That this Resolution shall be in full force and effect from and after its passage and adoption.

PASSED AND ADOPTED this 16th day of February 2022.

Dedrick D. Johnson, Sr., Mayor
City of Texas City, Texas

ATTEST:

APPROVED AS TO FORM:

Rhomari D. Leigh
City Secretary

Kyle L. Dickson
City Attorney

CITY COMMISSION REGULAR MTG

(7) (d)

Meeting Date: 02/16/2022

Bid # 2022-009 Rental and Service of Portable Toilets

Submitted For: Mike McKinley, Public Works **Submitted By:** Mike McKinley, Public Works

Department: Public Works

Information

ACTION REQUEST (Brief Summary)

Award a contract for Bid # 2022-009 Rental and Service of Portable Toilets.

BACKGROUND

On January 12 and 19, 2022 a Notice For Bidders was advertised and bid packets were mailed out to local area vendors.

Bids were opened and read aloud on February 02, 2022. A bid tabulation is attached for your review. The lowest responsible bidder offering the best value for the City was C. Johnnie On The Spot, in Texas City, TX.

ANALYSIS

It is the recommendation of the Public Works and Sanitation Departments to award the contract for Bid # 2022-009 Rental and Service of Portable Toilets to C. Johnnie On The Spot of Texas City, TX. for the prices bid and that the Mayor is authorized to execute a contract on behalf of the City Commission.

Thank you.

ALTERNATIVES CONSIDERED

Fiscal Impact

Attachments

Exhibit A
Resolution

BID TABULATION

Bid # 2022-009

Rental and Service of Portable Toilets

Bid Opening Wednesday, February 02, 2022

Monthly Rental and Service of Portable Toilet

| Description | Unit | C. Johnnie on the Spot | Texas Outhouse Inc. | Pot-O-Gold | Texas Waste Co. | United Site Service |
|--|-----------------------|-----------------------------------|--------------------------------|-------------------|----------------------------|--------------------------------|
| Service one time per week | Per Unit Per Month | \$40.00 | \$75.00 | No Bid | No Bid | No Bid |
| Service two times per week | Per Unit Per Month | \$60.00 | \$100.00 | No Bid | No Bid | No Bid |
| Services three times per week | Per Unit Per Month | \$80.00 | \$125.00 | No Bid | No Bid | No Bid |
| Services four times per week | Per Unit Per Month | \$135.00 | \$150.00 | No Bid | No Bid | No Bid |
| Additional service on existing service day | | \$15.00 | \$15.00 | No Bid | No Bid | No Bid |
| Two services on non-service day | | \$30.00 | \$20.00 | No Bid | No Bid | No Bid |
| Additional Service non-service day | | 15.00 | \$25.00 | No Bid | No Bid | No Bid |

BID TABULATION

Bid # 2022-009

Rental and Service of Portable Toilets

Bid Opening Wednesday, February 02, 2022

Monthly Rental and Service of Handicap Portable Toilet

| Description | Unit | C. Johnnie on the Spot | Texas Outhouse Inc. | Pot-O-Gold | Texas Waste Co. | United Site Service |
|--|-----------------------|---------------------------|------------------------|------------|--------------------|------------------------|
| Service one time per week | Per Unit Per Month | \$40.00 | \$85.00 | No Bid | No Bid | No Bid |
| Service two times per week | Per Unit Per Month | \$60.00 | \$110.00 | No Bid | No Bid | No Bid |
| Services three times per week | Per Unit Per Month | \$80.00 | \$135.00 | No Bid | No Bid | No Bid |
| Services four times per week | Per Unit Per Month | \$135.00 | \$160.00 | No Bid | No Bid | No Bid |
| Additional service on existing service day | | \$15.00 | \$15.00 | No Bid | No Bid | No Bid |
| Two services on non-service day | | \$30.00 | \$20.00 | No Bid | No Bid | No Bid |
| Additional Service non-service day | | 15.00 | \$25.00 | No Bid | No Bid | No Bid |

BID TABULATION

Bid # 2022-009

Rental and Service of Portable Toilets

Bid Opening Wednesday, February 02, 2022

Rental for Special Events

| Description | Unit | C. Johnnie on the Spot | Texas Outhouse Inc. | Pot-O-Gold | Texas Waste Co. | United Site Service |
|---|-------------|------------------------|---------------------|------------|-----------------|---------------------|
| Regular and or Handicap for the length of the event | Per Unit | \$40.00 | \$55.00 | No Bid | No Bid | No Bid |
| Additional Service days | Per Unit | \$15.00 | \$35.00 | No Bid | No Bid | No Bid |

Cost for Damaged Portable Toilet

| Description | Unit | C. Johnnie on the Spot | Texas Outhouse Inc. | Pot-O-Gold | Texas Waste Co. | United Site Service |
|-------------------------------------|-------------|------------------------|---------------------|------------|-----------------|---------------------|
| Standard Portable toilet | Per Unit | \$0.00 | \$800.00 | No Bid | No Bid | No Bid |
| Handicap accessible portable toilet | Per Unit | \$0.00 | \$1600.00 | No Bid | No Bid | No Bid |

RESOLUTION NO. 2022-015

A RESOLUTION APPROVING BID NUMBER 2022-009 RENTAL AND SERVICE OF PORTABLE TOILETS; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, the “Notice to Bidders” was published on January 12, 2022, and January 19, 2022. Bids packets were made available to local area vendors for Bid No. 2022-009 Rental and Service of Portable Toilets; and

WHEREAS, bids were opened on February 2, 2022, and the low responsible bid meeting all the specifications was received from C. Johnnie On The Spot., Texas City, Texas; and

WHEREAS, the Public Works and Sanitation Department recommends awarding Bid No. 2022-009 Rental and Service of Portable Toilets to C. Johnnie on the Spot of Texas City, Texas, for the prices bid.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF TEXAS CITY, TEXAS:

SECTION 1: That the City Commission of the City of Texas City, Texas, hereby awards Bid No. 2021-2022-009 Rental and Service of Portable Toilets to C. Johnnie On The Spot of Texas City, Texas.

SECTION 2: That the Mayor is hereby authorized to enter into a contract with C. Johnnie On The Spot for the respective unit prices bid in **Exhibit “A”** attached hereto and made a part hereof for all intents and purposes.

SECTION 3: That this Resolution shall be in full force and effect from and after its passage and adoption.

PASSED AND ADOPTED this 16th day of February 2022.

Dedrick D. Johnson, Sr., Mayor
City of Texas City, Texas

ATTEST:

APPROVED AS TO FORM:

Rhomari D. Leigh
City Secretary

Kyle L. Dickson
City Attorney

CITY COMMISSION REGULAR MTG

(7) (e)

Meeting Date: 02/16/2022

Engineering Services for the Lift Station 22 Replacement Project

Submitted For: Mike McKinley, Public Works **Submitted By:** Mike McKinley, Public Works

Department: Public Works

Information

ACTION REQUEST (Brief Summary)

Approve the execution of an Engineering Agreement with ARKK Engineers for Lift Station 22 Replacement Project.

BACKGROUND

ARKK Engineers, LLC. has submitted an Agreement For Services for the engineering design and construction phase of the Lift Station 22 Replacement Project, totaling \$198,390. A copy of the Agreement For Service is attached for your review.

ANALYSIS

It is the recommendation of the Public Works Department to approve a resolution authorizing the Mayor to execute a contract, on behalf of the City Commission, with ARKK Engineers for the Lift Station 22 Replacement Project design, bid, construction, and construction support services totaling \$198,390.

ALTERNATIVES CONSIDERED

Fiscal Impact

Attachments

Exhibit A

THE STATE OF TEXAS

COUNTY OF GALVESTON

AGREEMENT FOR SERVICES

This Agreement entered into as of the ____ day of _____, A.D., 2022, by and between ARKK Engineers, LLC ("Consultant"), and the City of Texas City, Texas, ("Client").

WITNESSETH:

WHEREAS, the Client has requested various services of the Consultant with respect to Engineering Services for the City of Texas City's "Lift Station 22 Replacement Project ("Project")".

NOW, THEREFORE, *Client* and *Consultant* hereby agree as follows:

1. Engagement of Consultant - *Consultant* hereby agrees to perform the services required under the scope of work related to the *Project*, and to provide *Client* with copies of the information, opinions, and other such documents made the basis of the scope of services, which is set out in Attachment "A" and made a part of this contract. *Consultant* agrees to initiate the following services that are set out in Attachment "A" upon receipt of an executed copy of this Agreement.
2. Availability of Information - *Client* agrees to provide *Consultant* with all available information pertinent to the *Project*. *Client* will also provide copies of reports, drawings, and other data, and will, at *Consultant's* request, provide written authorization to review *Client's* files relative to the *Project* which may be in possession of third parties. *Consultant* agrees to return all original documents to *Client* upon completion of the *Project*, but reserves the right to make and keep reproducible copies of all such material.
3. Access to Facilities - *Client* will provide access for the *Consultant* to enter the property and facilities of *Client*, as necessary for *Consultant* to perform services as required under the *Project*.
4. Instruments of Service - All documents prepared in accordance with this contract including exhibits, field notes, laboratory data, original drawings, and specifications are the property of the *Client*. The

Consultant is given the right to use any of this data in connection with future engineering projects. The *Consultant* may retain copies of reproducibles of any information prepared for this *Project*.

5. Fee - The *Consultant's* fee for the scope of services as stated in Attachment "A" provided by *Consultant* under this Agreement as set out in Attachment "A" and being the amount of: \$198,390 for Design Services and Construction Phase Services.
6. Payment and Fee Schedule - The *Consultant* will submit a monthly invoice for services rendered.
7. Terms of Payment - Payment of fees as determined under Paragraph 5 herein above shall be due and payable by *Client* within thirty (30) days following receipt of *Consultant's* monthly invoice.
8. Additional Services - Additional services beyond those described in the Scope of Services will be invoiced on the basis of direct labor cost times a factor of 2.99 and direct cost plus 10%.
9. Insurance - *Consultant* shall maintain Worker's Compensation and Liability Insurance in accordance with Attachment "B".
10. Termination - The *Client* may terminate this contract at any time by giving notice in writing to the *Consultant*. In that case, all finished or unfinished documents and other materials produced under this contract shall become the *Client's* property. If the contract is terminated by the *Client* in accordance with this provision, *Consultant* shall be paid for all services performed to the date of termination.
11. Governing Law - This Agreement shall be deemed to have been made under, and shall be construed and interpreted in accordance with the laws of the State of Texas. The venue of any suit for enforcement or construction of this contract shall be in Galveston County, Texas.
12. Indemnification - For consideration received, the undersigned agrees to indemnify, save, defend and hold harmless the City of Texas City, Texas, its employees, officials, and agents from any and all claims, actions, damages, lawsuits, proceedings, judgments, or liabilities, for personal injury, death or property damage resulting from the negligent acts or omissions of the undersigned or negligent acts

or omissions of others under the undersigned's supervision or control arising out of the performance of this agreement.

13. Home Rule Municipality

The City is a municipality incorporated under the laws of the State of Texas, and all laws regulating and concerning Texas municipalities apply, including budgetary laws, The City Charter and The City Code. Consultant acknowledges that the City may only act through its City Commission or a duly authorized representative of City Commission, and that any act of an employee or officer of the City that is not duly authorized is void.

ENTERED INTO AND AGREED by the parties hereto as the day and year first written.

ARKK ENGINEERS, LLC
Consultant

BY: Madhu Kilambi

MADHU KILAMBI, P.E.
Senior Project Manager / Principal

CITY OF TEXAS CITY, TEXAS
Client

BY: _____

MAYOR OF THE CITY OF TEXAS CITY

ATTEST: _____

City Secretary



ATTACHMENT "A"

February 7, 2022

Mr. Corbin Ballast
Director of Utilities
City of Texas City
911 Highway 146 North
Texas City, Texas 77590

Re: Proposal for Engineering and Construction Phase Services for the City of Texas City's "**Lift Station 22 Replacement**" project

Dear Mr. Ballast:

ARKK Engineers, LLC (ARKK) is pleased to submit this proposal for engineering services associated with the referenced project. This proposal is based on our meetings and conversations and information provided by the City. A brief overview of the project and scope of services are provided below:

GENERAL OVERVIEW

Lift Station 22 is located on 34th Street, between Palmer Highway and Texas Avenue, south-central area of the City of Texas City. This lift station is in a deteriorated condition and has reached the end of its useful life. This lift station is approximately 16 feet deep, and has a 14-foot square wet well and a 14-foot square dry pit. It is City's desire to convert this lift station to a submersible-type lift station.

The proposed lift station will have a larger basin which will improve the station's storage capacity. The proposed pumps will be submersible-type, and installed in the proposed wet well in a submersible configuration. New lift station controls are proposed, and will be designed to the City's preference. Site improvements such as new driveway, fences, and gates will be included. Also included will be large diameter gravity sewers needed to divert wastewater flow to the new wet well basin. The total project allocated for this project is **\$1.75 million**.

I. DESIGN PHASE SERVICES

- Meet with City to discuss and finalize design criteria and acquire pertinent information regarding the Project.

- Perform field reconnaissance and measurements of the lift station site geometry to verify the wet well dimensions and other information that would impact design and construction.
- Prepare project specifications, civil drawings, structural drawings, and electrical drawings, and bid documents based on the anticipated improvements.
- Provide two (2) draft sets of 60% plan drawings to the City for review and comments.
- Incorporate comments into the bid documents.
- Coordinate with lift station contractors for constructability review and comments.
- Provide two (2) draft sets of 90% plan drawings and specifications to the City for review and comments.
- Incorporate comments from the City into the final bid documents.
- Prepare a final cost estimate for the project.
- Furnish three (3) sets of construction documents to the City.
- Costs for reproduction will be charged under special services for reproduction of plans, specifications and reports.
- Reproduction for review sets, submittals to the City, governmental agencies, and utility companies will be included in the cost for reproduction.

Topographic Surveying Services

- Conduct a topographic survey of the lift station site property, including the street right-of-way of 34th Street.
- Utilize a survey sub-consultant mutually agreeable to the City and ARKK.

Geotechnical Services

- Provide a geotechnical investigation of the site. A budget for 40 V.F. of soil borings is included in this proposal.
- Utilize a survey sub-consultant mutually agreeable to the City and ARKK.

II. BID PHASE SERVICES

The Bid Phase tasks include the following items:

- Assist the City in obtaining bids for the project. The City will advertise the project and will absorb all related advertising costs. ARKK will assist the City in developing the wording of the advertisement.
- Dispense construction documents via the Civcast online plan room (by Amtek USA) to prospective bidders.
- During the bidding phase, provide information to and answer questions from prospective bidders regarding the Project's construction documents.
- Prepare project addendums as necessary.
- Conduct a pre-bid conference for prospective bidders.
- Evaluate the bids and the qualifications of the apparent low bidder and advise the City as to the acceptability of the apparent low bidder.

III. CONSTRUCTION PHASE SERVICES

A. Basic Services – Construction Administration

- Conduct a pre-construction conference for the project.
- Act as the City's Project representative during the construction phase.
- Review and respond accordingly to all submittals as required by the contract specifications.
- Prepare change orders necessitated by field conditions.
- Review the contractor's pay estimates, evaluate the completion of work, and make payment recommendations to the City.
- Visit the site at intervals appropriate to the various stages of construction to observe the progress and quality of executed work and to determine in general if such work is proceeding in accordance with the Contract Documents.

- ARKK will not be responsible for the means, methods, techniques, sequences or procedures of construction selected by the Contractor(s) or the safety precautions and programs incident to the work of the Contractor(s). ARKK's effort will be directed toward providing a greater degree of confidence for the City that the completed work of Contractor(s) will conform to the Contract Documents, but ARKK will not be responsible for the failure of Contractor(s) to perform the work in accordance with the Contract Documents. During site visits and on the basis of on-site observations ARKK shall keep the City informed of the progress of the work, shall endeavor to guard the City against defects and deficiencies in such work and may disapprove or reject work failing to conform to the Contract Documents.
- Conduct a final inspection of the Project and make a recommendation for Final Payment on the project.
- Require and monitor Contractor in maintaining a set of record plans. Engineer shall provide one set of reproducible record plans based on the Contractor's red line marked up as-built drawings.

B. Special Services – Construction Support Services

- Provide one on-site representative to periodically observe the progress of construction activities and to assist in the interpretation of plans and specifications.
- This budget for this proposal is based on the on-site representative being on-site an average of 10 hours per week during the active construction periods of the construction contract.
- The on-site representative will attend meetings with the Contractor and the City of Texas City such as pre-construction conference, progress meetings, and other project related meetings where his presence is requested by the City of Texas City.
- The on-site representative will be provided in an effort to aid in the process of observing performance of work of the Contractor(s). Through more extensive on-site observations of the work in progress, ARKK shall endeavor to provide further protection for the City of Texas City against defects and deficiencies in the work of the contractor(s); but the furnishing of such on-site representative will not make ARKK responsible for construction means, methods, techniques, sequences or procedures or safety precautions or programs, or for Contractor(s) failure to perform their work in accordance with the Contract Documents.

FEE

| | |
|---|---------------------|
| Civil and Mechanical Design Services - Lump Sum: | \$79,510.00 |
| Electrical Design Services - Lump Sum: | \$9,000.00 |
| Structural Design Services - Lump Sum: | \$9,500.00 |
| Topographic Surveying - Subcontractor's Cost plus 10%: | \$8,110.00 |
| Geotechnical Services - Subcontractor's Cost plus 10%: | \$5,580.00 |
| Reproduction Budget - Cost plus 10%: | \$ 750.00 |
| Bid Phase Services - Lump Sum Amount of: | \$2,750.00 |
| Construction Administration Services - Lump Sum Amount of: | \$ 28,190.00 |
| Electrical Construction Phase Assistance Services - Lump Sum Amount of: | \$ 3,000.00 |
| Structural Construction Phase Assistance Services - Lump Sum Amount of: | \$ 4,000.00 |
| Construction Phase Support Budget: (Hourly and cost plus 10%) | \$40,500.00 |
| Materials Testing Budget - Subcontractor's Cost plus 10%: | \$ 7,500.00 |
| <hr/> | |
| Total Fee | \$198,390.00 |

The anticipated construction contract duration for the project is estimated to be 270 calendar days. The construction observation budget is based on providing a project site representative an average of 10 hours per week during periods of active construction. The budget includes hourly costs for a project site representative, and supervisory services, and vehicle charge of \$35/day. Hourly charges for on-site field representative shall be charged based on a raw labor rate times a multiplier of 2.70. Reimbursable expenses will be charged at cost plus 10%.

ARKK Engineers, LLC appreciates the opportunity to submit this proposal and we look forward to working with the City of Texas City on this very important project.

Sincerely,

ARKK ENGINEERS, LLC



Madhu Kilambi, P.E.

Senior Project Manager / Principal

cc: Mr. Jack Haralson – City of Texas City

ATTACHMENT "B"

INSURANCE LIMITS

| | | | |
|----|---|-----------------------------------|-------------|
| 1. | General Liability | Each Occurrence: | \$1,000,000 |
| | | Damage to Rented Premises | \$1,000,000 |
| | | Medical Expenses (any one person) | \$10,000 |
| | | Personal and Adv. Injury | \$1,000,000 |
| | | General Aggregate: | \$2,000,000 |
| | | Products - Comp/Op Agg: | \$2,000,000 |
| 2. | Automobile Liability | Combined Single Limit: | \$1,000,000 |
| 3. | Excess Liability Umbrella Form | Each Occurrence: | \$1,000,000 |
| | | Aggregate: | \$1,000,000 |
| 4. | Worker's Compensation and Employers Liability | Each Accident: | \$500,000 |
| | | Disease - Each Employee: | \$500,000 |
| | | Disease - Policy Limit: | \$500,000 |
| 5. | Professional Liability | Each Claim | \$1,000,000 |
| | | Policy Year Aggregate | \$1,000,000 |