

(I) Introduction

2011

Opening Statement

Date: 2/01/2012

Since January 01, 2004, the Hidalgo County Constable Department Pct. 1 in accordance with the Texas Racial Profiling Law (S.B. No. 1074), has been collecting Deputy contact data for the purpose of identify and responding (if necessary) to concerns regarding racial profiling practices. It is my hope that the findings provided in this report will serve as evidence that the Hidalgo County Constable Department Pct. 1 continues to strive towards the goal of maintaining strong relations with community.

In this report, the reader will encounter several sections designed at providing background information on the rationale and objectives of the Texas Racial Profiling Law. Other sections contain information relevant to the institutional policies adopted by the Hidalgo County Constable Department Pct. 1 banishing the practice of racial profiling among its officers.

The final components of this report provide statistical data relevant to the public contacts made during the period 01/01/07 and 12/31/07. The analysis of the data and recommendations for future areas of research are also included. It is my sincere hope that the channels of communications between county leaders and the Hidalgo County Constable Department Pct. 1 Continue to strengthen as we move forward to meet the challenges of the near future.

Sincerely,

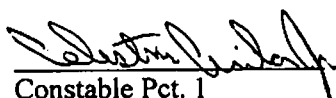

Constable Pct. 1

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Annual Report
January 1, 2011 ---- December 31, 2011**

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The Texas Law on Racial Profiling

AN ACT

relating to the prevention of racial profiling by certain peace officers.

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

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

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

Art. 2.132. LAW ENFORCEMENT POLICY ON RACIAL PROFILING. (a) In this article:

(1) "Law enforcement agency" means an agency of the state, or of a county, municipality, or other political subdivision of the state, that employs peace officers who make traffic stops in the routine performance of the officers' official duties.

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

(b) Each law enforcement agency in this state shall adopt a detailed written policy on racial profiling. The policy must:

(1) clearly define acts constituting racial profiling;

(2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;

(3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;

(4) provide public education relating to the agency's complaint process;

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

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

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

and

(B) whether a search was conducted and, if so,

whether the person detained consented to the search; and

(7) require the agency to submit to the governing body of each county or municipality served by the agency an annual report of the information collected under Subdivision (6) if the agency is an agency of a county, municipality, or other political subdivision of the state.

(c) The data collected as a result of the reporting requirements of this article shall not constitute prima facie evidence of racial profiling.

(d) On adoption of a policy under Subsection (b), a law enforcement agency shall examine the feasibility of installing video camera and transmitter-activated equipment in each agency law enforcement motor vehicle regularly used to make traffic stops and transmitter-activated equipment in each agency law enforcement motorcycle regularly used to make traffic stops. If a law enforcement agency installs video or audio equipment as provided by this subsection, the policy adopted by the agency under Subsection (b) must include standards for reviewing video and audio documentation.

(e) A report required under Subsection (b)(7) may not include

who is stopped or arrested by a peace officer. This subsection does not affect the collection of information as required by a policy under Subsection (b)(6).

(f) On the commencement of an investigation by a law enforcement agency of a complaint described by Subsection (b)(3) in which a video or audio recording of the occurrence on which the complaint is based was made, the agency shall promptly provide a copy of the recording to the peace officer who is the subject of the complaint on written request by the officer.

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

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

(2) "Pedestrian stop" means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.

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

(1) a physical description of each person detained as a result of the stop, including:

(A) the person's gender, and

(B) the person's race or ethnicity, as stated by the person or, if the person does not state the person's race or ethnicity, as determined by the officer to the best of the officer's ability;

(2) the traffic law or ordinance alleged to have been violated or the suspected offense;

(3) whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;

(4) whether any contraband was discovered in the course of the search and the type of contraband discovered;

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

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

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

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

Art. 2.134. COMPILATION AND ANALYSIS OF INFORMATION

COLLECTED. (a) In this article, "pedestrian stop" means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.

(b) A law enforcement agency shall compile and analyze the information contained in each report received by the agency under Article 2.133. Not later than March 1 of each year, each local law enforcement agency shall submit a report containing the information compiled during the previous calendar year to the governing body of each county or municipality served by the agency in a manner approved by the agency.

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

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

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

(B) examine the disposition of traffic and pedestrian stops made by officers employed by the agency, including searches resulting from the stops; and

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

(d) A report required under Subsection (b) may not include identifying information about a peace officer who makes a traffic or pedestrian stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the reporting of information required under Article 2.133(b)(1).

(e) The Commission on Law Enforcement Officer Standards and Education shall develop guidelines for compiling and reporting information as required by this article.

(f) The data collected as a result of the reporting requirements of this article shall not constitute prima facie evidence of racial profiling.

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

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

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

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

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

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

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

Art. 2.136. LIABILITY. A peace officer is not liable for damages arising from an act relating to the collection or reporting of information as required by Article 2.133 or under a policy adopted under Article 2.132.

Art. 2.137. PROVISION OF FUNDING OR EQUIPMENT. (a) The Department of Public Safety shall adopt rules for providing funds or video and audio equipment to law enforcement agencies for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A), including specifying criteria to prioritize funding or

effort, financial hardship, available revenue, and budget surpluses. The criteria must give priority to:

(1) law enforcement agencies that employ peace officers whose primary duty is traffic enforcement;

(2) smaller jurisdictions; and

(3) municipal and county law enforcement agencies.

(b) The Department of Public Safety shall collaborate with an institution of higher education to identify law enforcement agencies that need funds or video and audio equipment for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A). The collaboration may include the use of a survey to assist in developing criteria to prioritize funding or equipment provided to law enforcement agencies.

(c) To receive funds or video and audio equipment from the state for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A), the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency needs funds or video and audio equipment for that purpose.

(d) On receipt of funds or video and audio equipment from the state for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A), the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency has installed video and audio equipment as described by Article 2.135(a)(1)(A) and is using the equipment as required by Article 2.135(a)(1).

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

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

Art. 3.05. RACIAL PROFILING. In this code, "racial profiling" means a law enforcement-initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity.

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

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

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

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

(3) analyzing and reporting collected information.

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

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

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

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

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

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

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

- (1) the name, address, physical description, including race or ethnicity, date of birth, and driver's license number of the person charged;
- (2) the registration number of the vehicle involved;
- (3) whether the vehicle was a commercial motor vehicle as defined by Chapter 522 or was involved in transporting hazardous materials;
- (4) the person's social security number, if the person was operating a commercial motor vehicle or was the holder of a commercial driver's license or commercial driver learner's permit;
- (5) the date and nature of the offense, including whether the offense was a serious traffic violation as defined by Chapter 522;
- (6) whether a search of the vehicle was conducted and whether consent for the search was obtained;
- (7) the plea, the judgment, and whether bail was forfeited;
- (8) ~~(7)~~ the date of conviction; and
- (9) ~~(8)~~ the amount of the fine or forfeiture.

SECTION 7. Not later than January 1, 2002, a law enforcement agency shall adopt and implement a policy and begin collecting information under the policy as required by Article 2.132, Code of Criminal Procedure, as added by this Act. A local law enforcement agency shall first submit information to the governing body of each county or

added by this Act, on March 1, 2003. The first submission of information shall consist of information compiled by the agency during the period beginning January 1, 2002, and ending December 31, 2002.

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

SECTION 9. Not later than January 1, 2002:

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

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

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

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

SECTION 12. This Act takes effect September 1, 2001.

S.B. No. 1074

President of the Senate

Speaker of the House

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

Secretary of the Senate

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

Chief Clerk of the House

S.B. No. 1074

Approved:

Date

Governor

Texas Racial Profiling Law Requirement

Guidelines for Compiling and Reporting Data under Senate Bill 1074

Background

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

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

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

Standard 1

Each law enforcement agency has a detailed written directive that:

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

Commentary

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

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

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

Standard 2

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

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

Commentary

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

Standard 3

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

Commentary

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

Article 2.134 TCCP requires the agency to compile and provide 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.

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

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

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

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

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

Tier one reports are made to the governing body of each county or municipality served by the agency an annual report of information if the agency is an agency of a county, municipality, or other political subdivision of the state. Tier one and two reports are reported to the county or municipality not later than March 1 for the previous calendar year beginning March 1, 2003. Tier two reports include a comparative analysis between the race and ethnicity of persons detained to see if a differential pattern of treatment can be discerned based on the disposition of stops including searches resulting from the stops. The reports also include information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling. An agency may be exempt from the tier two reporting requirement by applying for the funds from the Department of Public Safety for video and audio equipment and the State does not supply those funds [Sec 2.135 (a)(2) TCCP].

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

Standard 4

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

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

Commentary

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

Standard 5

Agencies that do not currently have video or audio equipment must examine the

Commentary

None

Standard 6

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

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

Commentary

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

Standard 7

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

Commentary

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

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

General Order

Hidalgo County Constable Department Pct. 1 General Order

The following section established the mission, vision, goals, objectives, oath, ethics, and employment practices of the Hidalgo County Constable Department Pct. 1. Each of these components is reviewed on an annual basis in order to ensure it adequately addresses the emerging needs of the department, Hidalgo County Precinct 1, and the residents of the Hidalgo County Precinct 1 community.

Mission

The Hidalgo County Constable Department Pct. 1 will always strive to provide the highest quality service, preserving human rights, lives, and property, while attempting to achieve the mission goals of the department, the precinct, and the community. In the Hidalgo County Constable Department Pct. 1, we are committed to the highest professional standards, working in partnership with our citizens to problem solve and meet the challenges of reducing crime, creating a safer environment, and improving the community members' quality of life.

Vision

We, the men and woman of the Hidalgo County Constable Department Pct. 1, are committed to excellence in leadership, providing progressive and proactive services, developing community partnerships, and building for a better future.

Values

We, the members of the Hidalgo County Constable Department Pct. 1, value the following in our members and our organization:

- Honesty
- Professionalism
- Integrity
- Compassion
- Cultural Diversity

Oath of Office

Each member and volunteer of the Hidalgo County Constable Department Pct. 1 shall subscribe to and abide by the Oath of Office:

I _____ do solemnly swear or affirm that I will faithfully execute the duties of a Deputy Constable of the Hidalgo County Constable Department Pct. 1, Hidalgo County, Texas, and will to the best of my ability preserve, protect and defend the Constitution and the Laws of the United States, and of this State, and I furthermore solemnly swear or affirm that I have not directly nor indirectly paid, offered, or promised to pay, contributed, nor promised to contribute, any money or valuable thing to receive my appointment.

So Help Me God.

Upon swearing to the Oath of Office, a signed copy is placed in the employee's personal file.

Code of Ethics

Each member of the Hidalgo County Constable Department Pct. 1 shall subscribe to and abide by the Code of Ethics:

As a Law Enforcement Officer, my fundamental duty is to serve humanity; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional Rights of all people to liberty, equality and justice.

I will keep my private life unsullied as an example to all; maintain courageous calm in the of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the of the welfare of other. Honest in obeying the laws of the land and the regulations of my Department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the Performance of my duty.

I will never act officiously or permit personal feelings, prejudices, animosities, or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to ethics of Law Enforcement. I will constantly strive to achieve these objectives and ideals, dedicating myself to my chosen profession ... Law Enforcement.

The newly sworn member shall be given one copy of the Code of Ethics.

Equal Opportunity/Affirmative Action

The Hidalgo County Constable Department Pct. 1 is to be fair and impartial in all of its relations with its employees or applicants for employment while adhering to the concept of equal employment opportunity and affirmative actions as a necessary element of basic merit system principles. In order to achieve this goal, the Hidalgo County Constable Department Pct. 1 hereby reaffirms its official policy that discrimination on the basis of sex, race, color, religion, national origin, age, mental or physical handicap, disabled or veteran status is prohibited by all employees of the Hidalgo County Constable Department Pct. 1. This policy will apply and is not limited to recruitment, promotion, hiring, layoff, termination, demotion, transfer, training, rates of pay, fringe benefits, or other forms of compensation, use of facilities, and other terms, conditions and privileges of employment for all job classifications. The Hidalgo County Constable Department Pct. 1 will take the necessary steps in its employment policies, practices and procedures and make reasonable accommodations in order to assure that appropriate equal employment opportunities are available to all persons.

Policy on Usage of Video/Audio Equipment

Video Policy

If the Deputy Constable's unit is equipped with a video camera, the video and sound shall be activated prior to the stop (traffic stop or pedestrian stop), to record the behavior of the vehicle or person, and shall remain activated until the person is released and resumes their journey.

The Hidalgo County Constable's Department Precinct 1 shall retain the video and audiotapes, of each traffic and pedestrian stop for at least ninety (90) days after the date of the stop. If a complaint is filed with this department alleging that one of our deputies has engaged in racial profiling with respect to traffic or pedestrian stops, this department shall retain the video and audio tapes of the stop until final disposition of the complaint.

The Chief Deputy will ensure that deputies of this department are recording their traffic and pedestrian stops. A recording of each deputy will be reviewed at least once every ninety (90) days or sooner if so deemed necessary.

In the absence of a specific, credible report of a person's physical description, race, ethnicity, gender or sexual orientation or any combination of these shall not be a factor in determining probable cause for an arrest or reasonable suspicion for a stop.

The deliberate recording or any misleading information related to the actual or perceived race, ethnicity, gender, or sexual orientation of a person stopped for investigation or enforcement purposes is prohibited and is cause for disciplinary action, up to and including termination.

All reports, citations and/or information of traffic stops by any deputy shall be submitted to the chief Deputy prior to the end of the shift. All information contained in each report will be compiled and analyzed pursuant to Chapter 2 of the Texas Code of Criminal Procedure.

**(III) Responding to the
Texas Racial Profiling Law**

Institutional Policy on Racial Profiling

**Complaint Process: Addressing
Allegations of Racial Profiling
Practices**

Filing a Complaint with Hidalgo County Constable Department Pct. 1

Understanding the Process

Once an individual has filed a complaint regarding racial profiling, he/she should expect the following process to commence:

1. The department shall accept complaints from any person who believes he or she has been stopped or searched based on racial, ethnic or national origin profiling. No person shall be discouraged, intimidated or coerced from filing a complaint, nor discriminated against because he or she filed such a complaint.
2. Any employee who receives an allegation of racial profiling, including the deputy who initiated the stop, shall fill out a Department Incident Report and forward the complaint to the Chief Deputy. Any employee contacted shall advise the person of the department's process of filing a complaint. All employees will report any allegations of racial profiling to the Chief Deputy before the end of their shift.
3. Investigation of a complaint shall be conducted in a thorough and timely manner. All complaint will be acknowledged in writing to the initiator who will receive disposition regarding complaint within a reasonable period of time. The investigation shall be reduced to writing and any reviewer's comments or conclusions shall be filed with his designee. When applicable, findings and/or suggestions for disciplinary action, retaining, or changes in policy shall be filed with the Constable.
4. If a racial profiling complaint is sustained against a deputy, it will result in appropriate corrective and/or disciplinary action, up to and including termination.
5. If there is a departmental video or audio recording of the events upon which a complaint of racial profiling is based, upon commencement of an investigation by this department into the complaint and written request of the deputy made the subject of the complaint, this department shall promptly provide a copy of the recording to that deputy.

Racial Profiling Training

Training

In compliance with the Texas Racial Profiling Law, the Hidalgo County Constable Department Pct. 1 has asked that all its Deputies adhere to all Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) training.

All Deputies from the Hidalgo County Constable Department Pct. 1 have been asked to complete a TCLEOSE training and education program on racial profiling not later than the second anniversary of the date the Deputy is licensed under Chapter 1701 of the Texas Occupations Code or the date the Deputy applies for an intermediate proficiency certificate, whichever date is earlier. A person who on September 1, 2001, held a TCLEOSE intermediate proficiency certificate, or who had held a peace officer license issued by TCLEOSE for at least two years, will complete a TCLEOSE training and education program on racial profiling not later than September 1, 2003.

Tables Illustrating Police Contact

Tier 2 Data

**Summary of Racial Profiling Report
Hidalgo County Constable Department Pct.1
2011**

Table 1: Detention Disposition by Race

Hispanic:		
	Number	% of Race
Arrested	0	0.00%
Released	0	0.0%
Ticketed	307	92%
Warned (Written)	25	8 %
Total	332	100%

Caucasian:		
	Number	% of Race
Arrested	0	0.0%
Released	0	0.0%
Ticketed	6	100%
Warned (Written)	0	0%
Total	6	100%

For Asian, African, Native American, and Other there were no stops conducted.

Table 2: Search Status by Race

Hispanic:		
	Number	% of Race
Consent Search	0	00.00%
No Search	338	100.00%
Probable Cause Search	0	0%
Total	338	100%

Caucasian:		
	Number	% of Race
Consent Search	0	0%
No Search	338	100%
Probable Cause Search		0%
Total	338	100%

For Asian, African, Native American, and Other there were no stops conducted, therefore no Searches conducted.

TIER 2 - FULL RACIAL PROFILING REPORT

Agency Name: HIDALGO CO. CONST. PCT. 1
Reporting Date: 01/12/2012
TCLEOSE Agency Number: 215101
Chief Administrator: CELESTINO AVILA
Agency Contact Information: Email: jose.espinoza.co.hidalgo.tx.us
Mailing Address:
HIDALGO CO. CONST. PCT. 1
1902 Joe Stephens Suite #303
Weslaco, tx 78596

This Agency filed a full report because:

Our agency chooses to fully report even though it qualifies for the partial exemption.

Certification to This Report 2.132 (Tier 2) – Full Report

Article 2.132(b) CCP Law Enforcement Policy on Racial Profiling

HIDALGO CO. CONST. PCT. 1 has adopted a detailed written policy on racial profiling. Our policy:

- (1) clearly defines acts constituting racial profiling;
- (2) strictly prohibit peace officers employed by the HIDALGO CO. CONST. PCT. 1 from engaging in racial profiling;
- (3) implements a process by which an individual may file a complaint with the HIDALGO CO. CONST. PCT. 1 if the individual believes that a peace officer employed by the HIDALGO CO. CONST. PCT. 1 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 HIDALGO CO. CONST. PCT. 1 who, after an investigation, is shown to have engaged in racial profiling in violation of the HIDALGO CO. CONST. PCT. 1's policy adopted under this article;
- (6) require collection of information relating to motor vehicle stops in which a citation is issued and to arrests made as a result of those stops, including information relating to:
 - (A) the race or ethnicity of the individual detained;
 - (B) whether a search was conducted and, if so, whether the individual detained consented to the search; and
 - (C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and

(7) require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:

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

(B) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

I certify these policies are in effect.

Executed by: CELESTINO AVILA

Chief Administrator

HIDALGO CO. CONST. PCT. 1

Date: 01/12/2012

HIDALGO CO. CONST. PCT. 1Motor Vehicle Racial Profiling Information

Gender:

1. 148 Female
2. 190 Male
3. 338 Total (3, 10, 13, 18, 21, 40 and 51 must be equal)

Race or Ethnicity:

4. 0 African
5. 0 Asian
6. 6 Caucasian
7. 332 Hispanic
8. 0 Middle Eastern
9. 0 Native American
10. 338 Total (3, 10, 13, 18, 21, 40 and 51 must be equal)

Race or Ethnicity known prior to stop?

11. 0 Yes
12. 338 No
13. 338 Total (3, 10, 13, 18, 21, 40 and 51 must be equal)

Reason for stop:?

14. 12 Violation of law other than traffic
15. 0 Pre-existing knowledge (i.e. warrant)
16. 310 Moving Traffic Violation
17. 16 Vehicle Traffic Violation (Equipment, Inspection or Registration)
18. 338 Total (3, 10, 13, 18, 21, 40 and 51 must be equal)

Search conducted?

19. 0 Yes

20. 338 No

21. 338 Total

Reason for search?

22. 0 Consent

23. 0 Contraband/evidence in plain sight

24. 0 Probable cause or reasonable suspicion

25. 0 Inventory search performed as result of
towing

26. 0 Incident to arrest/warrant

27. 0 Total (must equal line 19)

Contraband discovered?

28. 0 Yes

29. 0 No

30. 0 Total (must equal line 19)

Description of Contraband

31. 0 Illegal drugs/drug paraphernalia

32. 0 Currency

33. 0 Weapons

34. 0 Alcohol

35. 0 Stolen property

36. 0 Other

37. 0 Total (must equal line 28)

Arrest result of stop or search:

38. 0 Yes

39. 338 No

40. 338 Total (3, 10, 13, 18, 21, 40 and 51 must
be equal)

Arrest based on:

- 41. 0 Violation of the Penal Code
- 42. 0 Violation of a Traffic Law
- 43. 0 Violation of City Ordinance
- 44. 0 Outstanding Warrant

Street address or approximate location of the stop:

- 45. 242 City Street
- 46. 0 US Highway
- 47. 96 County Road
- 48. 0 Private Property or Other

Written warning or a citation as a result of the stop:

- 49. 338 Yes
- 50. 0 No

51. 338 Total

HIDALGO CO. CONST. PCT. 1 has submitted electronically the analysis in PDF format required by 2.134 CCP(c) which contains

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

(A) evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities; and

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

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

I certify the analysis meets the above requirements.

Executed by: CELESTINO AVILA

Chief Administrator

HIDALGO CO. CONST. PCT. 1

Date: 01/12/2012



Texas Commission on Law Enforcement Officer Standards and Education

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GO

Commissioners

Contact Us

About Us

TCLEDDS

- For the Public ▾
- For Law Enforcement Personnel ▾
- For Law Enforcement Training Information ▾

Agency 2011 Racial Profiling Reports for HIDALGO County

Note: The link to the 2010 Racial Profiling reports from the TCLEOSE website is no longer available on-line, but may be purchased for \$35 (CD disk) through Open Records Request.

- TCLEOSE Commission Meeting Schedule
- TCLEOSE Media Releases
- TCLEDDS data system
- Employment with TCLEOSE
- 2011 Training Coordinators' Conference
- TCLEOSE Racial Profiling Reporting
- TCLEOSE Department Reporting System
- TCLEOSE Offered Training
- Training Providers
- Exam Sites
- Field Services
- Training Mandates & Certificates
- Forms, Publications and Research
- Rules and Statutes
- Honoring Our Law Enforcement Personnel
- Transparency In Government
- Frequently Asked Questions
- Complaint Procedure
- TCLEOSE Link Policy
- Peace Officer "Extra Job" Law Get Form

Agency Name	Filing Status	Reason for Filing as Tier 1 or Tier 2	Chief Administrator and Agency Contact Information*	Date Filed	Online Electronic Report	Agency Supplied Report
ALAMO FIRE DEPT. Agency No: 215301	Exempt - No Peace Officers appointed in 2011					
ALAMO POLICE DEPT. Agency No: 215201						
ALTON POLICE DEPT. Agency No: 215216						
DONNA I.S.D. POLICE DEPARTMENT Agency No: 215904						
DONNA POLICE DEPT. Agency No: 215202						
EDCOUCH POLICE DEPT. Agency No: 215203						
EDINBURG C.I.S.D. POLICE DEPT. Agency No: 215902						
EDINBURG FIRE DEPT. Agency No: 215304						
EDINBURG POLICE DEPT. Agency No: 215204						
ELSA POLICE DEPT. Agency No: 215205						
HIDALGO CO. CONST. PCT. 1 Agency No: 215101	Full Report (Tier 2)	Chose Full Reporting	CELESTINO AVILA Email: jose.espinoza.co.hidalgo.tx.us Mailing Address: HIDALGO CO. CONST. PCT. 1 1902 Joe Stephens Suite #303 Weslaco, tx 78596	01/12/2012	View	view
HIDALGO CO. CONST. PCT. 2 Agency No: 215102	Exempt		JESUS G ALANIZ Phone: 9567843510 Email: frank.sanchez@co.hidalgo.tx.us Mailing Address: HIDALGO CO. CONST. PCT. 2 300 W. Hall Acres suite E Pharr, TX 78577	01/03/2012	View	
HIDALGO CO. CONST. PCT. 3 Agency No: 215103						
HIDALGO CO. CONST. PCT. 4 Agency No: 215104						
HIDALGO CO. CONST. PCT. 5 Agency No: 215105						
HIDALGO CO. DIST. ATTY.'S OFFICE Agency No: 215140						
HIDALGO CO. FIRE MARSHAL'S OFFICE Agency No: 215302	Exempt		Juan G. Matinez Phone: 956-318-2656 Email: Wesley.Bradley@co.hidalgo.tx.us Mailing Address: HIDALGO CO. FIRE MARSHAL'S OFFICE 1615 S. Clossner Ste. H Edinburg, TX 78539	01/03/2012	View	
HIDALGO CO. SHERIFF'S OFFICE Agency No: 215100						
HIDALGO POLICE DEPT. Agency No: 215206						
LA JOYA I.S.D. POLICE DEPT. Agency No: 215905						
LA JOYA POLICE DEPT. Agency No: 215207						
LA VILLA POLICE DEPT. Agency No: 215208						
MCALLEN FIRE DEPT. Agency No: 215309	Exempt		JUAN P. SALINAS Phone: 956.681.2500 Mailing Address: MCALLEN FIRE DEPT. 201 N. 21st PO Box 220 McAllen, Tx 78501	01/04/2012	View	
MCALLEN I.S.D. POLICE DEPT. Agency No: 215903						
MCALLEN POLICE DEPT. Agency No: 215209						
MERCEDES POLICE DEPT. Agency No: 215210						
MISSION FIRE MARSHAL'S OFFICE Agency No: 215311						



Table 3: Stop Reason and Disposition by Race

Hispanic:

		Number	% of Race	
Hazardous Traffic	Arrested	0	0%	
Hazardous Traffic	Released	0	0%	
Hazardous Traffic	Ticketed	280	84%	
Hazardous Traffic	Warned (Written)	24	7%	
Investigation Stop	Arrested	0	0%	
Investigation Stop	Released	0	0%	
Investigation Stop	Ticketed	12	4%	Investigation Stop
Warned (Written)	0	0%		
Non-Hazardous Traffic	Arrested	0	0%	
Non-Hazardous Traffic	Released	0	0%	
Non-Hazardous Traffic	Ticketed	15	5%	
Non-Hazardous Traffic	Warned (Written)	1	0%	
Total		332	100%	

Caucasian:

		Number	% of Race	
Hazardous Traffic	Arrested	0	0%	Hazardous Traffic
Released	0	0%		
Hazardous Traffic	Ticketed	5	83%	
Hazardous Traffic	Warned (Written)	0	0%	
Investigation Stop	Arrested	0	0%	
Investigation Stop	Released	0	0%	
Investigation Stop	Ticketed	0	0%	Investigation Stop
Warned (Written)	0	0%		
Non-Hazardous Traffic	Arrested	0	0%	
Non-Hazardous Traffic	Released	0	0%	
Non-Hazardous Traffic	Ticketed	1	17%	
Non-Hazardous Traffic	Warned (Written)	0	0%	
Total		6	100%	

For Asian, African, Native American, and Other there were no stops conducted.

Table 4: Statement of the Charge

Hispanic:

	Number	% of Race
Felony	0	0%
Misdemeanor	0	0%
Traffic	320	98%

Table 4: Statement of the Charge Cont.

Caucasian:	Number	% of Race
Felony	0	0%
Misdemeanor	0	0%
Traffic	6	2%

For Asian, African, Native American, and Other there were no stops conducted, therefore no Charges filed.

Table 5: Gender

Hispanic:	Number	% of Race
Male	187	55%
Female	145	43%
Total	332	98%

Caucasian:	Number	% of Race
Male	3	1%
Female	3	1%
Total	6	2%

Table 6: Location of Stop

Hispanic:	Number	% of Race
Pct.1	236	70%
Outside Pct.1	96	28%
Total	242	98%

Caucasian:	Number	% of Race
Pct.1	6	2%
Outside Pct.1	0	0%
Total	6	2%

For Asian, African, Native American, and Other there were no stops conducted, therefore there is no Gender numbers.

Table 7: Contraband and Disposition

Hispanic:

	Number	% of Race
Contraband	0	100%
Disposition Ticket	0	100%

For Asian, African, Native American, Caucasian and Other there was no Contraband found.

Table 8: Type of Contraband Collected

Hispanic:

	Number	% of Race
Marujuna	0	100%

For Asian, African, Native American, Caucasian and Other there was no Contraband Collected.

Report on Complaints

Additional Comments:

(IV) Summary of Findings

Summary Statement Regarding Findings

Summary Statement

The findings suggest that the Hidalgo County Constable Department Pct. 1 does not currently experience a problem regarding racial profiling practices. This is supported by the fact that it has not received complaints from community members regarding Deputies misconduct associated with racial profiling practices.

The continuing effort to collect Deputy contact data will assure an on-going evaluation of the Hidalgo County Constable Department Pct. 1 practices. Thus, allowing for the citizens of Hidalgo County Precinct 1 community to benefit from professional and courteous service from their Constable Department.

Recommendations

Recommendations

Based on the findings introduced in this report, the Constable, along with the Chief Deputy, have agreed to adopt the following measures aimed at addressing potential racial profiling problems:

- Provide further racial sensitivity training to its Constable personnel
- Disseminate information to all Deputies regarding the guidelines of behavior acceptable under the newly adopted Texas Racial Profiling Law
- Keep Hidalgo County Commissioners Court and other County Officials of measures being implemented at the Hidalgo County Constable Department Pct. 1.

Checklist and Contact Information

Checklist

(I) The following requirements must be met by all Law Enforcement agencies in the State of Texas:

- Clearly defined act of actions that constitute racial profiling
- Statement indicating prohibition of any Deputy employed by the Hidalgo County Constable Department Pct. 1 from engaging in racial profiling
- Implement a process by which an individual may file a complaint regarding racial profiling violations
- Implement disciplinary guidelines for Deputy found in violation of the Texas Racial Profiling law
- Collect data (Tier 2) that includes information on
 - a) Race and ethnicity of individual detained
 - b) Whether a search was conducted
 - c) If there was a search, whether it was a consent search or a probable cause search
 - d) Whether a custody arrest took place
- Produce an annual report on Deputies contacts (Tier 2) and present this to County Governing body by May 2005
- Adopt a policy, if video/audio equipment is installed, on standards for reviewing video and audio documentation

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

Deputy Joe F. Espinosa
1902 Joe Stephens Suite 303
Weslaco, Texas 78596
956-447-3775

Deputy Contact Data

Annual Report

01/01/11 ---- 12/31/11

(II) Background