

**Hidalgo County Constable
Department Pct.3**

Annual Racial Profiling Report

01/01/15 ---- 12/31/15

(I) Introduction

Opening Statement



CONSTABLE PRECINCT 3

LAZARO "LARRY" GALLARDO, JR.

January 29, 2016

Hidalgo County Commissioners Court

Since January 1, 2003, the Hidalgo County Constable Department Pct. 3 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. 3 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. 3 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 01/1/15 and 12/31/15. 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. 3 Continue to strengthen as we move forward to meet the challenges of the near future.

Sincerely,

A handwritten signature in black ink that reads "Lazaro Gallardo, Jr." with a stylized flourish at the end.

Lazaro Gallardo, Jr.
Constable Pct. 3

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The Texas Law on Racial Profiling

Texas Racial Profiling Law Requirement

Art. 2.132. LAW ENFORCEMENT POLICY ON RACIAL PROFILING. (a)

In this article:

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

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

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

(1) clearly define acts constituting racial profiling;

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

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

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

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

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

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

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

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

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

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

(e) A report required under Subsection (b)(7) may not include identifying information about a peace officer who makes a traffic stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the collection of information as required by a policy under Subsection (b)(6).

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

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

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.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

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.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

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.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

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

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Art. 2.137. PROVISION OF FUNDING OR EQUIPMENT. (a) The Department of Public Safety shall adopt rules for providing funds or video and audio equipment to law enforcement agencies for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A), including specifying criteria to prioritize funding or equipment provided to law enforcement agencies. The criteria may include consideration of tax effort, financial hardship, available revenue, and budget surpluses. The criteria must give priority to:

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

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

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

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

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

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

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Art. 2.14. MAY SUMMON AID. Whenever a peace officer meets with resistance in discharging any duty imposed upon him by law, he shall summon a sufficient number of citizens of his county to overcome the resistance; and all persons summoned are bound to obey.

Acts 1965, 59th Leg., vol. 2, p. 317, ch. 722.

Art. 2.15. PERSON REFUSING TO AID. The peace officer who has summoned any person to assist him in performing any duty shall report such person, if he refuse to obey, to the proper district or county attorney, in order that he may be prosecuted for the offense.

Acts 1965, 59th Leg., vol. 2, p. 317, ch. 722.

Guidelines for Compiling and Reporting Data under Senate Bill 1074

Background

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

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

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

Standard 1

Each law enforcement agency has a detailed written directive that:

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

Commentary

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

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

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

Standard 2

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

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

Commentary

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

Standard 3

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

Commentary

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

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

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

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

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

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

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

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

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

Standard 4

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

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

Commentary

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

Standard 5

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

Commentary

None

Standard 6

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

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

Commentary

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

Standard 7

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

Commentary

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

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

(II) Background

General Order

Hidalgo County Constable Department Pct. 3 General Order

The following section established the mission, vision, goals, objectives, oath, ethics, and employment practices of the Hidalgo County Constable Department Pct. 3. 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 3, and the residents of the Hidalgo County Precinct 3 community.

Mission

The Hidalgo County Constable Department Pct. 3 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. 3, 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. 3, 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. 3, 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. 3 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. 3, 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. 3 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. 3 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. 3 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. 3. 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. 3 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

The motor vehicle regularly used by this department to make traffic and pedestrian stop is equipped with a video camera and transmitter-activated equipment; and each traffic and pedestrian stop made by an officer of this department that is capable of being recorded by video and audio, or as appropriate, is recorded.

It is the policy of this department that it is to retain the video and audiotapes, or the audiotape 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 officers has engaged in racial profiling with respect to a traffic or pedestrian stop, this department retains the video and audiotape, or audiotape of the stop until final disposition of the complaint.

Supervisors ensure that officers of this department are recording their traffic and pedestrian stops. A recording of each officer will be reviewed at least once every night (90) days.

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 is encouraged to properly record and report the information as required in Policy B Section VII.

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

Institutional Policy on Racial Profiling



CONSTABLE PRECINCT 3

LAZARO "LARRY" GALLARDO JR.

Racial Profiling Policy

Policy A

(with Cameras)

I. PURPOSE

The purpose of the policy is to reaffirm the Hidalgo County Constable Pct3 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.

II. POLICY

It is the policy of this department to police in a proactive manner and, to aggressively investigate suspected violations of law. Officers shall actively enforce state and federal laws in a responsible and professional manner, without regard to race, ethnicity or national origin. Officers are strictly prohibited from engaging in racial profiling as defined in this policy. This policy shall be applicable to all persons, whether drivers, passengers or pedestrians.

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 profiling is an unacceptable patrol tactic and will not be condoned.

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.

<http://www.shsu.edu/~lemit/Racial%20Profiling.htm>

9/5/2003

III. DEFINITIONS

Racial 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.

Racial 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.

The prohibition against racial profiling does not preclude the use of race, ethnicity or national origin as factors in a detention decision. Race, ethnicity or national origin 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. Detaining an individual and conducting an inquiry into that person's activities simply because of that individual's race, ethnicity or national origin is racial profiling. Examples of racial 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, ethnicity or national origin.
- b. Detaining the driver of a vehicle based on the determination that a person of that race, ethnicity or national origin 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, ethnicity or national origin does not belong in a specific part of town or a specific place.

A law enforcement agency can derive at two principles from the adoption of this definition of racial profiling:

1. 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.
2. Law enforcement officers may not use racial or ethnic stereotypes as factors in selecting whom to stop and search. Racial profiling is not relevant as it pertains to witnesses, etc.

Race or Ethnicity – Of a particular decent, including Caucasian, African, Hispanic, Asian, or Native American.

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.

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

IV. TRAINING

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.

All officers shall complete a TCLEOSE training and education program on racial 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 1, 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 profiling not later than September 1, 2003.

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 profiling.

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

V. COMPLAINT INVESTIGATION

A. 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.

B. Any employee who receives an allegation of racial profiling, including the officer who initiated the stop, shall record the person's name, address and telephone number, and forward the complaint through the appropriate channel or direct the individual(s). Any employee contacted shall provide to that person a copy of a complaint form or the department process for filing a complaint. All employees will report any allegation of racial profiling to their superior before the end of their shift.

C. Investigation of a complaint shall be conducted in a thorough and timely manner. All complaints will be acknowledged in writing to the initiator who will receive disposition regarding said 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 the chief. When applicable, findings and/or suggestions for disciplinary action, retraining, or changes in policy shall be filed with the chief.

D. If a racial profiling complaint is sustained against an officer, it will result in appropriate corrective and/or disciplinary action, up to and including termination.

E. 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 officer made the subject of the complaint, this department shall promptly provide a copy of the recording to that officer.

VI. PUBLIC EDUCATION

This department will inform the public of its policy against racial profiling and the complaint process. Methods that may be utilized to inform the public are the news 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.

VII. CITATION DATA COLLECTION & REPORTING

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 violators 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.

By March of each year, the department shall submit a report to their governing board that includes the information gathered by the citations. The report will include:

1. a breakdown of citations by race or 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.

Not later than March 1st of each year, this department shall submit a report to our governing body containing this information from the preceding calendar year.

VIII. USE OF VIDEO AND AUDIO EQUIPMENT

Peace officers and this department are exempt from the compilation, analysis and reporting requirements in Section A above if during the calendar year before the date that a report under Section A above is due:

1. Each motor vehicle regularly used by this department to make traffic and

pedestrian stops is equipped with a video camera and transmitter-activated equipment, and each motorcycle regularly used by this department to make traffic and pedestrian stops is equipped with transmitter-activated equipment; and

2. 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.

This department shall retain the video and audiotapes, or the audiotape 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 officers has engaged in racial profiling with respect to a traffic or pedestrian stop, this department shall retain the video and audiotapes, or the audiotape of the stop until final disposition of the complaint.

Supervisors will ensure officers of this department are recording their traffic and pedestrian stops. A recording of each officer will be reviewed at least once every ninety (90) days. 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 in Section A above.

NOTE: This model policy is intended as a guide. It should be reviewed by legal counsel prior to modification and implementation in any specific community.

Racial Profiling Policy

Policy B

(without Cameras)

I. PURPOSE

The purpose of the policy is to reaffirm the Hidalgo County Constable Pct. 3 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.

II. POLICY

It is the policy of this department to police in a proactive manner and, to aggressively investigate suspected violations of law. Officers shall actively enforce state and federal laws in a responsible

and professional manner, without regard to race, ethnicity or national origin. Officers are strictly prohibited from engaging in racial profiling as defined in this policy. This policy shall be applicable to all persons, whether drivers, passengers or pedestrians.

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 profiling is an unacceptable patrol tactic and will not be condoned.

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.

III. DEFINITIONS

Racial 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.

Racial 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.

The prohibition against racial profiling does not preclude the use of race, ethnicity or national origin as factors in a detention decision. Race, ethnicity or national origin 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. Detaining an individual and conducting an inquiry into that

person's activities simply because of that individual's race, ethnicity or national origin are racial profiling. Examples of racial 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, ethnicity or national origin.
- b. Detaining the driver of a vehicle based on the determination that a person of that race, ethnicity or national origin 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, ethnicity or national origin does not belong in a specific part of town or a specific place.

A law enforcement agency can derive at two principles from the adoption of this definition of racial profiling:

1. 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.

2. Law enforcement officers may not use racial or ethnic stereotypes as factors in selecting whom to stop and search. Racial profiling is not relevant as it pertains to witnesses, etc.

Race or Ethnicity – Of a particular decent, including Caucasian, African, Hispanic, Asian, or Native American.

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.

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

IV. TRAINING

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.

All officers shall complete a TCLEOSE training and education program on racial 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 1, 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 profiling not later than September 1, 2003.

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 profiling.

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

V. COMPLAINT INVESTIGATION

A. 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.

B. Any employee who receives an allegation of racial profiling, including the officer who initiated the stop, shall record the person's name, address and telephone number, and forward the complaint through the appropriate channel or direct the individual(s). Any employee contacted shall provide to that person

a copy of a complaint form or the department process for filing a complaint. All employees will report any allegation of racial profiling to their superior before the end of their shift.

C. Investigation of a complaint shall be conducted in a thorough and timely manner. All complaints will be acknowledged in writing to the initiator who will receive disposition regarding said 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 the chief. When applicable, findings and/or suggestions for disciplinary action, retraining, or changes in policy shall be filed with the chief.

D. If a racial profiling complaint is sustained against an officer, it will result in appropriate corrective and/or disciplinary action, up to and including termination.

E. 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 officer made the subject of the complaint, this department shall promptly provide a copy of the recording to that officer.

VI. PUBLIC EDUCATION

This department will inform the public of its policy against racial profiling and the complaint process. Methods that may be utilized to inform the public are the news 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.

VII. CITATION DATA COLLECTION & REPORTING

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 violators 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.

By March of each year, the department shall submit a report to their governing board that includes the information gathered by the citations. The report will include:

1. a breakdown of citations by race or 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.

Not later than March 1st of each year, this department shall submit a report to our governing body containing this information from the preceding calendar year.

VII. COLLECTION AND REPORTING INFORMATION GATHERED FROM TRAFFIC AND PEDESTRIAN STOPS

An 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 record and report the following information:

1. A physical description of each person detained as a result of the stop, including:
 - a) The person's gender;
 - b) The person's race or ethnicity, as stated by the person or as determined by the officer to the best of his/her ability.
2. The street address or approximate location of the stop. The suspected offense or the traffic law or ordinance alleged to have been violated.
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 probable cause to search existed and, if so, the fact(s) supporting the existence of that probable cause.
5. Whether any contraband was discovered in the course of the search and, if so, the type of contraband discovered.
6. Whether the officer made an arrest as a result of the stop and/or search, and, if so, a statement of the offense charged.
7. Whether the officer issued a warning or a citation as a result of the stop and, if so, a statement of the offense charged.

This department shall compile and analyze the information contained in these individual reports. 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:

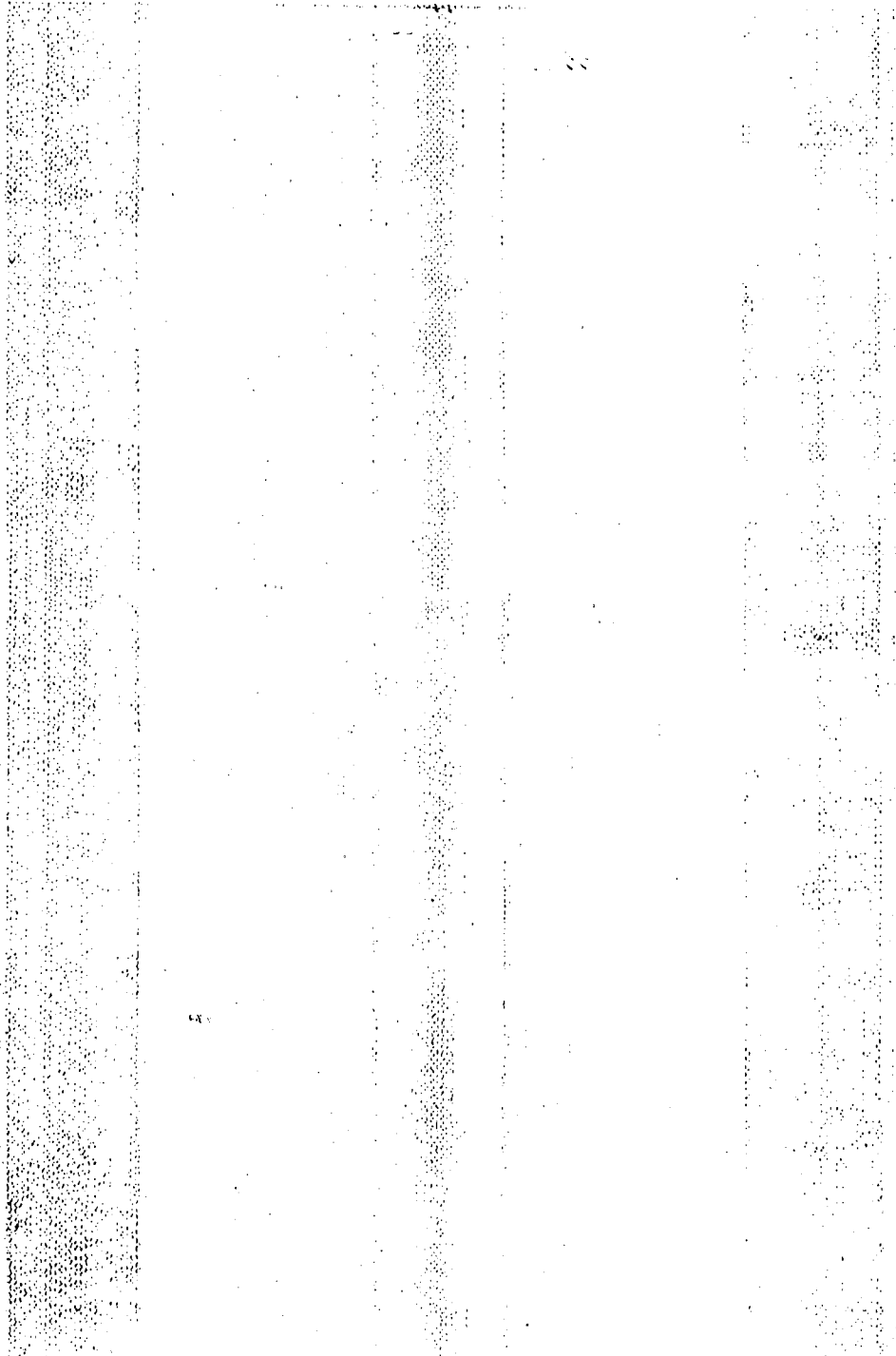
1. A comparative analysis of the information contained in the individual reports in order to:
 - a) Determine the prevalence of racial profiling by officers in this department; and
 - b) Examine the disposition of traffic and pedestrian

stops made by this department's officers, including searches resulting from stops.

2. Information relating to each complaint filed with this department alleging racial profiling.

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.

This model policy is intended as a guide. It should be reviewed by legal counsel prior to modification and implementation in any specific community.



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

Filing a Complaint with Hidalgo County Constable Department Pct. 3

Understanding the Process

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

The Interview

The Chief Deputy or Delegate will interview the individual filing the complaint. The officer will ask the alleged victim questions about what happened. It is possible that the officer may be able to explain the officer(s)' actions to your satisfaction.

- Usually, the alleged victim will be interviewed at the Constable Department Main Building. It is possible that he/she may be videotaped during the interview.
- The individual filing the complaint may bring a lawyer, family member or friend to the interview.
- The Chief Deputy or Delegate will ask the individual filing a complaint for names of witnesses and other Deputies that may know facts about the complaint.
- A Deputy may take pictures of any injuries that the alleged victim think are related to the complaint.

The Investigation

After the interview, the Hidalgo County Constable Department Pct. 3 will investigate the alleged misconduct. Chief Deputy or Delegate will talk to witnesses and visit the site of the incident.

- The investigator will consist of Chief Deputy or Delegate.
- All Deputies will be interviewed and witnesses whom the alleged victim has named will be contacted and interviewed, if they agree.
- The alleged victim will receive a letter regarding the progress of the investigation. Although it is impossible to estimate how long the investigation will take, the alleged victim will receive periodic reports on its status.
- A report will then be prepared.

The Review Process

The Chief Deputy reviews every complaint after investigation is completed and a report written.

- If the complaint includes excessive force or charges a Deputy with a crime, the Hidalgo County Civil Service Board will also review it.
- The Hidalgo County Civil Service Board will review your complaint, statements from all witnesses and reports from the investigation. The Hidalgo County Civil Service Board may ask for additional information before making its recommendations to the Chief Deputy.
- The Chief Deputy also reviews the results of the investigations that suggest there are no charges that the Deputy used excessive force or committed a crime.
- The Chief Deputy reviews the investigations and makes the final decision on all complaints.

The Findings

The results of your complaint are called “findings”. There are four possible findings:

- **Sustained** – The complaint has been supported: The Deputy(s) involved acted improperly and may be disciplined.
- **Unfound** – The investigation found no basis to the complaint filed,
- **Exonerated** – The Deputy(s) involved acted properly and will not be disciplined.
- **Not provable** – There was not enough evidence to prove the complaint true or false so no further action will be taken.

The Chief Deputy will decide on a finding after the complaint has been reviewed. Further, he/she will inform the alleged victim through an official letter of final decision.

A Commitment to Respond to the Needs of the Community

The Hidalgo County Constable Department Pct. 3 has made a commitment to its citizens regarding the following:

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 record the person's name, address and telephone number, and forward the complaint through the appropriate channel or direct the individual(s). Any employee contacted shall provide to that person a copy of a complaint form or the department process for filing a complaint. A; employees will report any allegation of racial profiling to their superior before the end of their shift.
3. Investigation of a complaint shall be conducted in a thorough and timely manner. All complaints will be acknowledged in writing to the initiator who will receive disposition regarding said 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 the Chief Deputy. When applicable, findings and/or suggestions for disciplinary action, retraining, or changes in policy shall be filed with the Chief Deputy.
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 department 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. 3 has asked that all its Deputies adhere to all Texas Commission on Law Enforcement (TCOLE) training.

All Deputies from the Hidalgo County Constable Department Pct. 3 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 TCOLE intermediate proficiency certificate, or who had held a peace officer license issued by TCOLE for at least two years, will complete a TCLEOSE training and education program on racial profiling not later than September 1, 2015.

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Tables Illustrating Police Contact

Tier 2 Data

Hidalgo County Constable Department Pct. #3
Racial Profiling Statistical Report
 1/01/2015 -- 12/31/2015

Table 1: Detention Disposition by Race

	Asian	% of Race	% of Disposition	African	% of Race	% of Disposition
Arrested	0	0.0%	0.0%	0	0.0%	0.0%
Released	0	0.0%	0.0%	0	0.0%	0.0%
Ticketed	0	0.0%	0.0%	0	0.0%	0.0%
Warned (Written)	0	0.0%	0.0%	1	100.0%	0.4%
	0	0.0%	0.0%	1	100.0%	0.4%
	Total	of Race	of all Detentions	Total	of Race	of all Detentions

Disposition	Hispanic	% of Race	% of Disposition	Caucasian	% of Race	% of Disposition
Arrested	0	0.0%	0.0%	0	0.0%	0.0%
Released	0	0.0%	0.0%	0	0.0%	0.0%
Ticketed	12	14.6%	38.7%	19	11.0%	61.3%
Warned (Written)	70	85.4%	11.1%	154	89.0%	68.4%
	82	100.0%	32.0%	173	100.0%	67.6%
	Total	of Race	of all Detentions	Total	of Race	of all Detentions

Disposition	Native American	% of Race	% of Disposition	Disposition	Middle Eastern	% of Race	% of Disposition
Arrested	0	0.0%	0.0%	Arrested	0	0.0%	0.0%
Released	0	0.0%	0.0%	Released	0	0.0%	0.0%
Ticketed	0	0.0%	0.0%	Ticketed	0	0.0%	0.0%
Warned (Written)	0	0.0%	0.0%	Warned (Written)	0	0.0%	0.0%
	0	0.0%	0.0%		0	0.0%	0.0%
	Total	of Race	of all Detentions	Total	of Race	of all Detentions	

Disposition	Total %	Number
Arrested	0.0%	0
Released	0.0%	0
Ticketed	12.1%	31
Warned (Written)	87.9%	225
	100.0%	256

Table 2: Search Status by Race

SearchStatus	Asian	% of Race	% of Search	African	% of Race	% of Search
Consent Search	0	0.0%	0.0%	0	0.0%	0.0%
No Search	0	0.0%	0.0%	1	100.0%	0.5%
Probable Cause Search	0	0.0%	0.0%	0	0.0%	0.0%
Total	0	0.0%	0.0%	1	100.0%	0.4%

SearchStatus	Hispanic	% of Race	% of Search	Caucasian	% of Race	% of Search
Consent Search	19	23.2%	35.8%	34	6.1%	64.2%
No Search	63	76.8%	31.0%	139	80.3%	68.5%
Probable Cause Search	0	0.0%	0.0%	0	0.0%	0.0%
Total	82	100.0%	32.0%	173	100.0%	67.6%

SearchStatus	Native American	% of Race	% of Search	SearchStatus	Middle Eastern	% of Race	% of Search
Consent Search	0	0.0%	0.0%	Consent Search	0	0.0%	0.0%
No Search	0	0.0%	0.0%	No Search	0	0.0%	0.0%
Probable Cause Search	0	0.0%	0.0%	Probable Cause Search	0	0.0%	0.0%
Total	0	0.0%	0.0%	Total	0	0.0%	0.0%

SearchStatus	Total %	Number
Consent Search	20.7%	53
No Search	79.3%	203
Probable Cause Search	0.0%	0
Total	100.0%	256

Table 3: Stop Reason and Disposition by Race

StopReason	cboStopDisposition	Asian	% of Race	% of Stop	African	% of Race	% of Stop
Hazardous Traffic	Arrested	0	0.0%	0.0%	0	0.0%	0.0%
Hazardous Traffic	Released	0	0.0%	0.0%	0	0.0%	0.0%
Hazardous Traffic	Ticketed	0	0.0%	0.0%	0	0.0%	0.0%
Hazardous Traffic	Warned (Written)	0	0.0%	0.0%	1	100.0%	0.7%
Investigation	Arrested	0	0.0%	0.0%	0	0.0%	0.0%
Investigation	Released	0	0.0%	0.0%	0	0.0%	0.0%
Investigation	Ticketed	0	0.0%	0.0%	0	0.0%	0.0%
Investigation	Warned (Written)	0	0.0%	0.0%	0	0.0%	0.0%
Non-Hazardous Traffic	Arrested	0	0.0%	0.0%	0	0.0%	0.0%
Non-Hazardous Traffic	Released	0	0.0%	0.0%	0	0.0%	0.0%
Non-Hazardous Traffic	Ticketed	0	0.0%	0.0%	0	0.0%	0.0%
Non-Hazardous Traffic	Warned (Written)	0	0.0%	0.0%	0	0.0%	0.0%
		0	0.0%	0.0%	1	100.0%	0.4%
		Total	% of Race	% of all Detentions	Total	% of Race	% of all Detentions

StopReason	cboStopDisposition	Hispanic	% of Race	% of Stop	Caucasian	% of Race	% of Stop
Hazardous Traffic	Arrested	0	0.0%	0.0%	0	0.0%	0.0%
Hazardous Traffic	Released	0	0.0%	0.0%	0	0.0%	0.0%
Hazardous Traffic	Ticketed	9	11.0%	36.0%	16	9.2%	64.0%
Hazardous Traffic	Warned (Written)	39	47.6%	25.7%	112	54.7%	73.7%
Investigation	Arrested	0	0.0%	0.0%	0	0.0%	0.0%
Investigation	Released	0	0.0%	0.0%	0	0.0%	0.0%
Investigation	Ticketed	0	0.0%	0.0%	0	0.0%	0.0%
Investigation	Warned (Written)	0	0.0%	0.0%	0	0.0%	0.0%
Non-Hazardous Traffic	Arrested	0	0.0%	0.0%	0	0.0%	0.0%
Non-Hazardous Traffic	Released	0	0.0%	0.0%	0	0.0%	0.0%
Non-Hazardous Traffic	Ticketed	3	1.7%	50.0%	3	1.7%	50.0%
Non-Hazardous Traffic	Warned (Written)	31	17.8%	42.5%	42	24.3%	57.5%
		82	100.0%	32.0%	173	100.0%	67.6%
		Total	% of Race	% of all Detentions	Total	% of Race	% of all Detentions

StopReason	cboStopDisposition	Native American	% of Race	% of Stop
Hazardous Traffic	Arrested	0	0.0%	0.0%
Hazardous Traffic	Released	0	0.0%	0.0%
Hazardous Traffic	Ticketed	0	0.0%	0.0%
Hazardous Traffic	Warned (Written)	0	0.0%	0.0%
Investigation	Arrested	0	0.0%	0.0%
Investigation	Released	0	0.0%	0.0%
Investigation	Ticketed	0	0.0%	0.0%
Investigation	Warned (Written)	0	0.0%	0.0%
Non-Hazardous Traffic	Arrested	0	0.0%	0.0%
Non-Hazardous Traffic	Released	0	0.0%	0.0%
Non-Hazardous Traffic	Ticketed	0	0.0%	0.0%
Non-Hazardous Traffic	Warned (Written)	0	0.0%	0.0%
		0	0.0%	0.0%
		Total	% of Race	% of all Detentions

Table 3: Stop Reason and Disposition by Race Cont.

StopReason	cboStopDisposition	Middle Eastern	% of Race	% of Stop
Hazardous Traffic	Arrested	0	0.0%	0.0%
Hazardous Traffic	Released	0	0.0%	0.0%
Hazardous Traffic	Ticketed	0	0.0%	0.0%
Hazardous Traffic	Warned (Written)	0	0.0%	0.0%
Investigation	Arrested	0	0.0%	0.0%
Investigation	Released	0	0.0%	0.0%
Investigation	Ticketed	0	0.0%	0.0%
Investigation	Warned (Written)	0	0.0%	0.0%
Non-Hazardous Traffic	Arrested	0	0.0%	0.0%
Non-Hazardous Traffic	Released	0	0.0%	0.0%
Non-Hazardous Traffic	Ticketed	0	0.0%	0.0%
Non-Hazardous Traffic	Warned (Written)	0	0.0%	0.0%
		0	0.0%	0.0%
		Total	% of Race	% of all Detentions

StopReason	cboStopDisposition	Total %	Number
Hazardous Traffic	Arrested	0.0%	0
Hazardous Traffic	Released	0.0%	0
Hazardous Traffic	Ticketed	9.8%	25
Hazardous Traffic	Warned (Written)	59.4%	152
Investigation	Arrested	0.0%	0
Investigation	Released	0.0%	0
Investigation	Ticketed	0.0%	0
Investigation	Warned (Written)	0.0%	0
Non-Hazardous Traffic	Arrested	0.0%	0
Non-Hazardous Traffic	Released	0.0%	0
Non-Hazardous Traffic	Ticketed	2.3%	6
Non-Hazardous Traffic	Warned (Written)	28.5%	73
		100.0%	256

Table 4 Statement of the Charge

Race / Ethnicity	Statement of the Charge					
	Felony		Misdemeanor		Traffic	
	Number	Total %	Number	Total %	Number	Total %
Caucasian	0	0%	0	0%	19	61%
African	0	0%	0	0%	0	0%
Hispanic	0	0%	0	0%	12	39%
Asia	0	0%	0	0%	0	0%
Native American	0	0%	0	0%	0	0%
Middle Eastern	0	0%	0	0%	0	0%
Total	0		0		31	
Grand Total	31					

Table 5 Gender

Gender		Contacts		Gender		
Race/ Ethnicity	Number	Total %	Male	Total %	Females	Total %
Caucasian	173	68%	126	49%	47	18%
African	1	0%	1	0%	0	0%
Hispanic	82	32%	55	21%	27	11%
Asia	0	0%	0	0%	0	0%
Native American	0	0%	0	0%	0	0%
Middle Eastern	0	0%	0	0%	0	0%
Total	256		182		74	

Table 6 Location of Stop

Location of Stop		Hidalgo County Pct. 3		Outside Pct. 3	
Race/ Ethnicity	Number	Total %	Number	Total %	Total %
Caucasian	172	67%	1	0%	
African	1	0%	0	0%	
Hispanic	77	30%	5	2%	
Asia	0	0%	0	0%	
Native American	0	0%	0	0%	
Middle Eastern	0	0%	0	0%	
Total	250		Total	6	
Grand Total	256				

Table 7 Contraband and Disposition

Race/ Ethnicity	Contraband		Disposition of Stop							
	Number	Total %	Arrest		Ticket		Warning		Release	
			Number	Total %	Number	Total %	Number	Total %	Number	Total %
Caucasian	0	0%	0	0%	0	0%	0	0%	0	0%
African	0	0%	0	0%	0	0%	0	0%	0	0%
Hispanic	6	100%	0	0%	3	100%	3	100%	0	0%
Asia	0	0%	0	0%	0	0%	0	0%	0	0%
Native American	0	0%	0	0%	0	0%	0	0%	0	0%
Middle Eastern	0	0%	0	0%	0	0%	0	0%	0	0%
Total	6		0		3		3		0	

Table 8 Type of Contraband Collected

Race/ Ethnicity	Cocain, Marijuana, Fruit, Methamphetamine, U.S. Currency	
	Number	Total %
Caucasian	0	0%
African	0	0%
Hispanic	6	100%
Asia	0	0%
Native American	0	0%
Middle Eastern	0	0%
Total	6	

Table 9 Race or Ethnicity Know Prior to Stop

Race/ Ethnicity	NO		YES	
	Number	Total %	Number	Total %
Caucasian	173	68%	0	0%
African	1	0%	0	0%
Hispanic	82	32%	0	0%
Asia	0	0%	0	0%
Native American	0	0%	0	0%
Middle Eastern	0	0%	0	0%
Total	256		Total	0
Grand Total	256			

**Summary of Racial Profiling Report
Hidalgo County Constable Department Pct.3**

Table 1: Detention Disposition by Race

Hispanic:

	Number	% of Race
Arrested	0	0.0%
Released	0	0.0
Ticketed	12	14.6%
Warned (Written)	70	85.4%
Total	82	100%

Caucasian:

	Number	% of Race
Arrested	0	0.0%
Released	0	0.0%
Ticketed	19	11.0%
Warned (Written)	154	89.0%
Total	173	100%

African

	Number	% of Race
Arrested	0	0.0%
Released	0	0.0%
Ticketed	0	0.0%
Warned (Written)	1	100%
Total	1	100%

For Asian, Native American, and Middle Eastern there were no stops conducted.

Table 2: Search Status by Race

Hispanic:

	Number	% of Race
Consent Search	19	23.2%
No Search	63	76.8%
Probable Cause Search	0	0.0%
Total	82	100%

Caucasian:

	Number	% of Race
Consent Search	34	19.7%
No Search	139	80.3%
Probable Cause Search	0	0.0%
Total	173	100%

African:

	Number	% of Race
Consent Search	0	0.0%
No Search	1	100%
Probable Cause Search	0	0.0%
Total	1	100%

For Asian, Native American, and Middle Eastern there were no stops conducted, therefore no Searches conducted.

Table 3: Stop Reason and Disposition by Race

Hispanic:

		Number	% of Race
Hazardous Traffic	Arrested	0	0.0%
Hazardous Traffic	Released	0	0.0%
Hazardous Traffic	Ticketed	9	11 %
Hazardous Traffic	Warned (Written)	39	47.6%
Investigation	Arrested	0	0.0%
Investigation	Released	0	0.0%
Investigation	Ticketed	0	0.0%
Investigation	Warned (Written)	0	0.0%
Non-Hazardous Traffic	Arrested	1	0.2%
Non-Hazardous Traffic	Released	0	0.0%
Non-Hazardous Traffic	Ticketed	3	3.7%
Non-Hazardous Traffic	Warned (Written)	31	37.8%
Total		82	100%

Caucasian:

		Number	% of Race
Hazardous Traffic	Arrested	0	0.0%
Hazardous Traffic	Released	0	0.0%
Hazardous Traffic	Ticketed	16	9.2%
Hazardous Traffic	Warned (Written)	112	64.7%
Investigation	Arrested	0	0.0%
Investigation	Released	0	0.0%
Investigation	Ticketed	0	0.0%
Investigation	Warned (Written)	0	0.0%
Non-Hazardous Traffic	Arrested	0	0.0%
Non-Hazardous Traffic	Released	0	0.0%
Non-Hazardous Traffic	Ticketed	3	1.7%
Non-Hazardous Traffic	Warned (Written)	42	24.3%
Total		173	100%

African:

		Number	% of Race
Hazardous Traffic	Arrested	0	0.0%
Hazardous Traffic	Released	0	0.0%
Hazardous Traffic	Ticketed	0	0.0%
Hazardous Traffic	Warned (Written)	1	100%
Investigation	Arrested	0	0.0%
Investigation	Released	0	0.0%
Investigation	Ticketed	0	0.0%
Investigation	Warned (Written)	0	0.0%
Non-Hazardous Traffic	Arrested	0	0.0%
Non-Hazardous Traffic	Released	0	0.0%
Non-Hazardous Traffic	Ticketed	0	0.0%
Non-Hazardous Traffic	Warned (Written)	0	0.0%
Total		1	100%

For Asian, Native American, and Middle Eastern there were no stops conducted.

Table 4: Statement of the Charge

Hispanic:

	Number	% of Race
Felony	0	0.0%
Misdemeanor	5	29%
Traffic	12	71%
Total	17	100%

Caucasian:

	Number	% of Race
Felony	0	0.0%
Misdemeanor	0	0.0%
Traffic	19	100%
Total	19	100%

For Asian, African, Native American, and Middle Eastern there were no Charges filed.

Table 5: Gender

Hispanic:

	Number	% of Race
Male	82	67%
Female	27	33%
Total	82	100%

Caucasian:	Number	% of Race
Male	126	73%
Female	47	27%
Total	173	100%

African:	Number	% of Race
Male	1	100%
Female	0	0.0%
Total	1	100%

For Asian, Native American, and Middle Eastern there were no stops conducted; therefore there is no Gender numbers.

Table 6: Location of Stop

Hispanic:	Number	% of Race
Pct.3	77	94%
Outside Pct.3	5	6%
Total	82	100%

Caucasian:	Number	% of Race
Pct.3	172	99%
Outside Pct.3	1	1%
Total	173	100%

African:	Number	% of Race
Pct.3	1	100%
Outside Pct.3	0	0.0%
Total	1	100%

For Asian, Native American, and Middle Eastern there were no stops conducted; therefore there is no location numbers.

Table 7: Contraband and Disposition

Hispanic: 6 had Contraband, 3 were given a citation and 3 were given warning.

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

Table 8: Type of Contraband Collected

Contraband that was collected was Marijuana, Methamphetamine, fruit and U.S. Currency.

Table 9: Race or Ethnicity Know Prior to Stop

Out of 256 contacts the race was not know prior to contact.

Report on Complaints

Additional Comments:

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(IV) Summary of Findings

Summary Statement Regarding Findings

Summary Statement

The findings suggest that the Hidalgo County Constable Department Pct. 3 does/does not currently experience a problem regarding racial profiling practices. This is supported by the fact that it has/ 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. 3 practices. Thus, allowing for the citizens of Hidalgo County Precinct 3 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 personal
- 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. 3.

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. 3 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 March 2016
 - 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:

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