

IRVING  
POLICE DEPARTMENT

2020

RACIAL PROFILING ANALYSIS

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## Executive Summary

Article 2.132-2.134 of the Texas Code of Criminal Procedure (CCP) requires the annual reporting to the local governing body of data collected on motor vehicle stops in which a ticket, citation, or warning was issued and to arrests made as a result of those stops, in addition to data collection and reporting requirements. Article 2.134 of the CCP directs that “a comparative analysis of the information compiled under 2.133” be conducted, with specific attention to the below areas:

1. 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;
2. examine the disposition of motor vehicle stops made by officers employed by the agency, categorized according to the race or ethnicity of affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction;
3. evaluate and compare the number of searches resulting from motor vehicle stops within the applicable jurisdiction and whether contraband or other evidence was discovered in the course of those searches; and
4. information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

The analysis of material and data from the Irving Police Department revealed the following:

- **A COMPREHENSIVE REVIEW OF THE IRVING POLICE DEPARTMENT REGULATIONS, SPECIFICALLY POLICY 806.00 ON BIAS-FREE POLICING, SHOWS THAT THE IRVING POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH ARTICLE 2.132 OF THE TEXAS CODE OF CRIMINAL PROCEDURE.**
- **A REVIEW OF THE INFORMATION PRESENTED AND SUPPORTING DOCUMENTATION REVEALS THAT THE IRVING POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH TEXAS LAW ON TRAINING AND EDUCATION REGARDING RACIAL PROFILING.**
- **A REVIEW OF THE DOCUMENTATION PRODUCED BY THE DEPARTMENT IN BOTH PRINT AND ELECTRONIC FORM REVEALS THAT THE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW ON THE RACIAL PROFILING COMPLAINT PROCESS AND PUBLIC EDUCATION ABOUT THE COMPLAINT PROCESS.**
- **ANALYSIS OF THE DATA REVEALS THAT THE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW ON THE COLLECTION OF RACIAL PROFILING DATA.**
- **THE IRVING POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW CONCERNING THE REPORTING OF INFORMATION TO TCOLE.**
- **THE IRVING POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW REGARDING CCP ARTICLES 2.132-2.134.**

## **Introduction**

This report details an analysis of the Irving Police Department's policies, training, and statistical information on racial profiling for the year 2020. This report has been prepared to specifically comply with Articles 2.132, 2.133, and 2.134 of the Texas Code of Criminal Procedure (CCP) regarding the compilation and analysis of traffic stop data. Specifically, the analysis will address Articles 2.131 – 2.134 of the CCP and make a determination of the level of compliance with those articles by the Irving Police Department in 2020. The full copies of the applicable laws pertaining to this report are contained in Appendix A.

This report is divided into six sections: (1) Irving Police Department's policy on racial profiling; (2) Irving Police Department's training and education on racial profiling; (3) Irving Police Department's complaint process and public education on racial profiling; (4) analysis of Irving Police Department's traffic stop data; (5) additional traffic stop data to be reported to TCOLE; and (6) Irving Police Department's compliance with applicable laws on racial profiling.

For the purposes of this report and analysis, the following definition of racial profiling is used: 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 (Texas CCP Article 3.05).

## **Irving Police Department Policy on Racial Profiling**

A review of Irving Police Department Policy 806.00 (Bias Free Policing) revealed that the department has adopted policies to be in compliance with Article 2.132 of the Texas CCP (see Appendix B). There are seven specific requirements mandated by Article 2.132 that a law enforcement agency must address. All seven are clearly covered in Policy 806.00. Irving Police Department regulations provide clear direction that any form of biased policing is strictly prohibited and that the department will thoroughly investigate complaints of biased policing and take immediate and appropriate actions when observing or being made aware of biased policing. The policy also provides a very clear statement of the agency's philosophy regarding equal treatment of all persons regardless of race, ethnicity, or national origin. Appendix C lists the applicable statute and corresponding Irving Police Department regulation.

***A COMPREHENSIVE REVIEW OF IRVING POLICE DEPARTMENT POLICY 806.00 (BIAS FREE POLICING) SHOWS THAT THE IRVING POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH ARTICLE 2.132 OF THE TEXAS CODE OF CRIMINAL PROCEDURE.***

## **Irving Police Department Training and Education on Racial Profiling**

Texas Occupation Code § 1701.253 and § 1701.402 require that curriculum be established and training certificates issued on racial profiling for all Texas Peace officers. Documentation provided by Irving Police Department reveals that all officers have received bias-based/racial profiling training. Policy 806.00 also instructs that Irving Police Department shall train all new officers in bias free policing during recruit training and that all other officers will receive training during normal training cycles and/or through other training modules mandated by the department.

***A REVIEW OF THE INFORMATION PRESENTED AND SUPPORTING DOCUMENTATION REVEALS THAT THE IRVING POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH TEXAS LAW ON TRAINING AND EDUCATION REGARDING RACIAL PROFILING.***

## **Irving Police Department Complaint Process and Public Education on Racial Profiling**

Article 2.132 §(b)3-4 of the Texas Code of Criminal Procedure requires that law enforcement agencies implement a complaint process on racial profiling and that the agency provide public education on the complaint process. Irving Police Department Policy 806.00, section 806.04 “Procedures” (C) and (E) note that any person may file a complaint with any supervisor or the Professional Standards Section if they feel they have been stopped or searched based on an officer’s bias. Complaints may also be made through the department’s website (<https://www.cityofirving.org/1290/Online-Police-Reporting>). The policy further notes that Irving Police Department shall provide public education relating to the department’s complaint process via the department’s website or other means of communication. Complaint brochures are also available at every police facility.

***A REVIEW OF THE DOCUMENTATION PRODUCED BY THE DEPARTMENT IN BOTH PRINT AND ELECTRONIC FORM REVEALS THAT THE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW ON THE RACIAL PROFILING COMPLAINT PROCESS AND PUBLIC EDUCATION ABOUT THE COMPLAINT PROCESS.***

## **Irving Police Department Statistical Data on Racial Profiling**

Article 2.132(b) 6 and Article 2.133 requires that law enforcement agencies collect statistical information on motor vehicle stops in which a ticket, citation, or warning was issued and to arrests made as a result of those stops, in addition to other information noted previously. Irving Police Department submitted statistical information on all motor vehicle stops in 2020 and accompanying information on the race/ethnicity of the person stopped. Accompanying this data was the relevant information required to be collected and reported by law.

***ANALYSIS OF THE DATA REVEALS THAT THE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW ON THE COLLECTION OF RACIAL PROFILING DATA.***

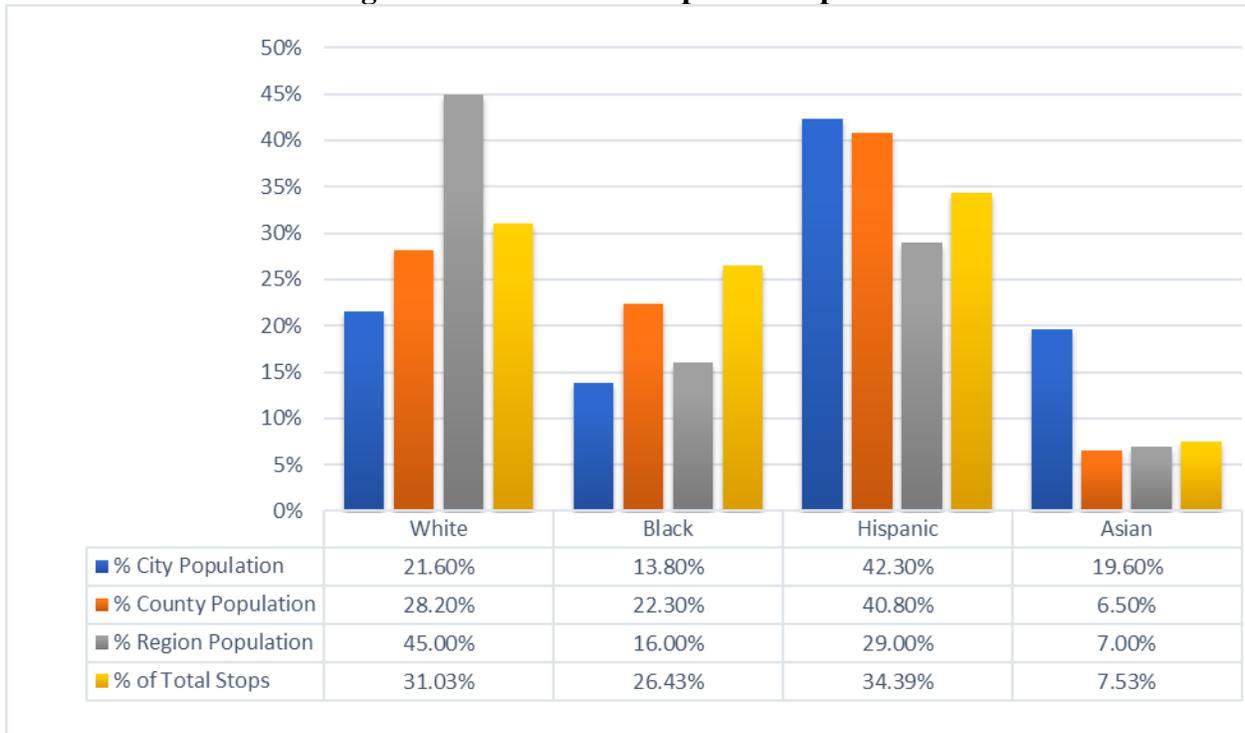
### **Analysis of the Data**

#### Comparative Analysis #1:

*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. Texas Code of Criminal Procedure Article 2.134(c)(1)(A)*

The first chart depicts the percentages of people stopped by race/ethnicity among the total 34,138 motor vehicle stops in which a ticket, citation, or warning was issued, including arrests made, in 2020.<sup>1</sup>

**Chart 1: Percentage of Motor Vehicle Stops in Comparison to Benchmarks**



*White drivers* constituted 31.03 percent of all drivers stopped, whereas Whites constitute 21.60 percent of the city population, 28.20 percent of the county population, and 45.00 percent of the region population.<sup>2</sup>

*Black drivers* constituted 26.43 percent of all drivers stopped, whereas Blacks constitute 13.80 percent of the city population, 22.30 percent of the county population, and 16.00 percent of the region population.

*Hispanic drivers* constituted 34.39 percent of all drivers stopped, whereas Hispanics constitute 42.30 percent of the city population, 40.80 percent of the county population, and 29.00 percent of the region population.

*Asian drivers* constituted 7.53 percent of all drivers stopped, whereas Asians constitute 19.60 percent of the city population, 6.50 percent of the county population, and 7.00 percent of the region population.

<sup>1</sup> There were 212 motor vehicle stops of drivers considered Alaska Native/American Indian. These motor vehicle stops were not charted in the first figure of this report due to the small number of cases relative to the population in Irving and relative to the total number of motor vehicle stops among all drivers (34,138).

<sup>2</sup> City and County and Regional populations were derived from the 2019 American Community Survey (ACS) of the U.S. Census Bureau. Regional population is defined as the 16 county Dallas-Ft. Worth Area including the following counties: Collin, Dallas, Denton, Ellis, Erath, Hood, Hunt, Johnson, Kaufman, Navarro, Palo Pinto, Parker, Rockwall, Somervell, Tarrant, and Wise.

The chart shows that White drivers are stopped at rates higher than the percentage of Whites found in the city and county population, but lower than the percentage of Whites in the regional population. Black drivers are stopped at rates higher than the percentage of Blacks found in the city, county, and regional population. Hispanic drivers are stopped at rates higher than the percentage of Hispanics found in the regional population, but lower than the percentage of Hispanics in the city and county population. Asian drivers are stopped at rates higher than the percentage of Asians found in the county and regional population, but lower than the percentage of Asians found in the city population.

### **Methodological Issues**

*Upon examination of the data, it is important to note that differences in overall stop rates of a particular racial or ethnic group, compared to that racial or ethnic group's proportion of the population, cannot be used to make determinations that officers have or have not racially profiled any given individual motorist. Claims asserting racial profiling of an individual motorist from the aggregate data utilized in this report are erroneous.*

For example, concluding that a particular driver of a specific race/ethnicity was racially profiled simply because members of that particular racial/ethnic group as a whole were stopped at a higher rate than their proportion of the population—are as erroneous as claims that a particular driver of a specific race/ethnicity could NOT have been racially profiled simply because the percentage of stops among members of a particular racial/ethnic group as a whole were stopped at a lower frequency than that group's proportion of the particular population base (e.g., city or county population). In short, aggregate data as required by law and presented in this report cannot be used to prove or disprove that a member of a particular racial/ethnic group was racially profiled. Next, we discuss the reasons why using aggregate data—as currently required by the state racial profiling law—are inappropriate to use in making claims that any individual motorist was racially profiled.

#### Issue #1: Using Group-Level Data to Explain Individual Officer Decisions

The law dictates that police agencies compile aggregate-level data regarding the *rates* at which agencies *collectively* stop motorists in terms of their race/ethnicity. These aggregated data are to be subsequently analyzed in order to determine whether or not *individual* officers are “racially profiling” motorists. This methodological error, commonly referred to as the “ecological fallacy,” defines the dangers involved in making assertions about individual officer decisions based on the examination of aggregate stop data. **In short, one cannot prove that an individual officer has racially profiled any individual motorist based on the rate at which a department stops any given group of motorists.** In sum, aggregate level data cannot be used to assess individual officer decisions, but the state racial profiling law requires this assessment.

#### Issue #2: Problems Associated with Population Base-Rates

There has been considerable debate as to what the most appropriate population “base-rate” is in determining whether or not racial/ethnic disparities exist. The base-rate serves as the benchmark for comparison purposes. The outcome of analyses designed to determine whether or not disparities exist is dependent on which base-rate is used. While this report utilized the 2019

American Community Survey (ACS) estimates for the city and county and regional population base-rates, these population measures are estimates and are subject to error, can be inaccurate, and may not keep pace with demographic changes experienced in Dallas-Fort Worth region.

In addition, the validity of the benchmark base-rate becomes even more problematic if analyses fail to distinguish between residents and non-residents who are stopped. This is because the existence of significant proportions of non-resident stops will lead to invalid conclusions if racial/ethnic comparisons are made exclusively to resident population figures. **In sum, a valid measure of the driving population does not exist. As a proxy, census data is used which is problematic as an indicator of the driving population.** In addition, stopped motorists who are not residents of the city, county, or region where the motor vehicle stop occurred are not included in the benchmark base-rate.

### Issue #3: Officers Do Not Know the Race/Ethnicity of the Motorist Prior to the Stop

As illustrated in Table 4 near the end of this report, of the 34,138 motor vehicle stops in 2020, the officer knew the race/ethnicity of the motorist prior to the stop in 3.37% of the stops (1,151/34,138). This percentage is consistent across law enforcement agencies throughout Texas. An analysis of all annual racial profiling reports submitted to the Texas Commission on Law Enforcement, as required by the Texas racial profiling law, found that in 2.9% of the traffic stops in Texas, the officer knew the race/ethnicity of the motorist prior to the stop.<sup>3</sup> The analysis included 1,186 Texas law enforcement agencies and more than 3.25 million traffic stops.

As noted, the legal definition of racial profiling in the Texas Code of Criminal Procedure Article 3.05 is “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.”

Almost always, Irving PD officers do not know the race/ethnicity of the motorist prior to the stop. This factor further invalidates any conclusions drawn from the stop data presented in Chart 1. If an officer does not know the race/ethnicity of the motorist prior to the stop, then the officer cannot, by legal definition, be racial profiling. Racial profiling is a law-enforcement action based on the race/ethnicity of an individual. If the officer does not know the person's race/ethnicity before the action (in this case, stopping a vehicle), then racial profiling cannot occur.

Based on this factor, post-stop outcomes are more relevant for a racial profiling assessment, as presented later in this report, in comparison to initial motor vehicle stop data disaggregated by race/ethnicity. Once the officer has contacted the motorist after the stop, the officer has identified the person's race/ethnicity and all subsequent actions are more relevant to a racial profiling assessment than the initial stop data.

In short, the methodological problems outlined above point to the limited utility of using aggregate level comparisons of the rates at which different racial/ethnic groups are stopped in order to determine whether or not racial profiling exists within a given jurisdiction.

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<sup>3</sup> Winkler, Jordan M. (2016). *Racial Disparity in Traffic Stops: An Analysis of Racial Profiling Data in Texas*. Master's Thesis. University of North Texas.

Table 1 reports the summaries for the total number of motor vehicle stops in which a ticket, citation, or warning was issued, and to arrests made as a result of those stops, by the Irving Police Department in 2020. Table 1 and associated analyses are utilized to satisfy the comparative analyses as required by Texas law, and in specific, Article 2.134 of the CCP.

Comparative Analysis #2:

*Examine the disposition of motor vehicle stops made by officers employed by the agency, categorized according to the race or ethnicity of affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction. Texas Code of Criminal Procedure Article 2.134(c)(1)(B)*

**Table 1: Traffic Stops and Outcomes by Race/Ethnicity**

Stop Outcomes by Race/Ethnicity	White	Black	Hispanic /Latino	Asian /Pacific Islander	Alaska Native /American Indian	Total
Number of Stops	10,592	9,024	11,739	2,571	212	34,138
<b>Result of Stop</b>						
Verbal Warning	2,693	3,036	3,901	803	104	10,537
Written Warning	1,804	1,329	1,537	398	29	5,097
Citation	6,019	4,584	6,163	1,361	78	18,205
Written Warning and Arrest	3	4	2	0	0	9
Citation and Arrest	22	17	33	1	0	73
Arrest	51	54	103	8	1	217
<b>Search Conducted</b>						
Yes	430	566	643	19	8	1,666
No	10,162	8,458	11,096	2,552	204	32,472

As shown in Table 1, there were a total of 34,138 motor vehicle stops in 2020 in which a ticket, citation, or warning was issued. The table also shows arrests made as a result of those stops. Roughly 31 percent of stops resulted in a verbal warning (10,537/34,138), roughly 15 resulted in a written warning, and roughly 53 percent resulted in a citation. Since over 99 percent of the result of stop outcomes were a **verbal warning**, **written warning**, or **citation**, the below analysis will focus on these outcomes specifically

Specific to **verbal warnings**, White motorists received a verbal warning in roughly 25 percent of stops involving White motorists (2,693/10,592), Black motorists received a verbal warning in roughly 34 percent of stops of Black motorists, Hispanic motorists received a verbal warning in roughly 33 percent of stops of Hispanic motorists, and Asian motorists received a verbal warning in roughly 31 percent of stops of Asian motorists.

Specific to **written warnings**, White motorists received a written warning in roughly 17 percent of stops involving White motorists (1,804/10,592), Black motorists received a written warning in roughly 15 percent of stops of Black motorists, Hispanic motorists received a written warning in roughly 13 percent of stops of Hispanic motorists, and Asian motorists received a written warning in roughly 15 percent of stops of Asian motorists.

White motorists received a **citation** in roughly 57 percent of stops involving White motorists (6,019/10,592), Black motorists received a citation in roughly 51 percent of stops of Black motorists, Hispanic motorists received a citation in roughly 53 percent of stops of Hispanic motorists, and Asian motorists received a citation in roughly 53 percent of stops of Asian motorists.

Finally, **arrests** were rare in 2020. Of the 34,138 total stops, only 299 arrests [written warning and arrest (9), citation and arrest (73), and arrest only (217)] were made in 2020. This accounts for 0.87 percent of all stops. Most commonly, arrests were due to a **violation of the penal code** (66.22%; 198/299) or an **outstanding warrant** (28.43%; 85/299).

### Comparative Analysis #3:

*Evaluate and compare the number of searches resulting from motor vehicle stops within the applicable jurisdiction and whether contraband or other evidence was discovered in the course of those searches. Texas Code of Criminal Procedure Article 2.134(c)(1)(C)*

In 2020, a total of 1,666 **searches** of motorists were conducted, or roughly 5 percent of all stops resulted in a search. Among searches within each racial/ethnic group, White motorists were searched in roughly 4 percent of all stops of White motorists (430/10,592), Black motorists were searched in roughly 6 percent of all stops of Black motorists, Hispanic motorists were searched in roughly 5 percent of all stops of Hispanic motorists, and Asian motorists were searched in less than 1 percent of all stops of Asian motorists. Of the 1,666 total searches in 2020, most were **probable cause searches** (50.12%; 835/1,666) (see Table 3).

Regarding searches, it should be further noted that 607 out of 1,666 searches (see Table 3), or 36.4 percent of all searches, were based on consent, which are regarded as discretionary as opposed to non-discretionary searches. Relative to the total number of stops (34,138), discretionary consent searches occurred in 1.78 percent of stops.

Of the searches that occurred in 2020, and as shown in Table 3, contraband was discovered in 724 or roughly 43 percent of all searches (724/1,666 total searches). Among the searches in which contraband was discovered (724), 68 percent of the time the contraband discovered was drugs (491/724).<sup>4</sup>

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<sup>4</sup> Note that in Table 3 contraband was discovered in 724 searches, but the total under “Description of Contraband” equals 776. This results because more than one form of contraband can be discovered in a single search.

#### Comparative Analysis #4:

*Information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling. Texas Code of Criminal Procedure Article 2.134(c)(2)*

In 2020, internal records indicate that the Irving Police Department received 4 complaints alleging that a peace officer employed by the agency engaged in racial profiling. Upon internal investigation, all complaints were unfounded.

#### Additional Analysis:

*Statistical analysis of motor vehicle stops relative to the gender population of the agency's reporting area. This analysis is presented in the report based on a December 2020 email sent from TCOLE to law enforcement executives in Texas.*

In 2020, 34,138 motor vehicle stops were made by the Irving Police Department. Of these stops, 11,564 or roughly 34 percent were female drivers (11,564/34,138), and roughly 66 percent were male drivers (see Table 3 below).

According to 2019 American Community Survey (ACS) city and county population estimates of the U.S. Census Bureau, the City of Irving was composed of 49.9 percent females and 50.1 percent males. County population 2019 ACS estimates indicate that females accounted for 50.7 percent of the county population and males accounted for 49.3 percent of the county population.

Overall, in 2020, males were stopped at rates higher than their proportion of the city and county populations.

#### **Additional Information Required to be Reported to TCOLE**

Tables 2-4 provide additional information relative to motor vehicle stops in 2020 by the Irving Police Department. These data are required to be collected by the Irving Police Department under the Texas Code of Criminal Procedure Article 2.133.

**Table 2: Data on Traffic Stops and Arrests**

<b>Stop Table</b>	<b>Frequency</b>
<b>Number of Stops</b>	34,138
<b>Reason for Stop</b>	
Violation of Law	1,510
Preexisting Knowledge	645
Moving Traffic Violation	25,132
Vehicle Traffic Violation	6,851
<b>Result of Stop</b>	
Verbal Warning	10,537
Written Warning	5,097
Citation	18,205
Written Warning and Arrest	9
Citation and Arrest	73
Arrest	217
<b>Arrest Based On</b>	
Violation of Penal Code	198
Violation of Traffic Law	11
Violation of City Ordinance	5
Outstanding Warrant	85

**Table 3: Data on Searches Pursuant to Traffic Stops**

Search Table	Frequency
<b>Search Conducted</b>	
Yes	1,666
No	32,472
<b>Reason for Search</b>	
Consent	607
Contraband in Plain View	43
Probable Cause	835
Inventory	109
Incident to Arrest	72
<b>Was Contraband Discovered</b>	
Yes	724
No	942
<b>Description of Contraband</b>	
Drugs	491
Currency	8
Weapons	28
Alcohol	93
Stolen Property	24
Other	132

**Table 4: Additional Data on Traffic Stops**

<b>Additional Information</b>	<b>Frequency</b>
<b>Gender</b>	
Female	11,564
Male	22,574
<b>Race/Ethnicity Known Prior to Stop</b>	
Yes	1,151
No	32,987
<b>Was Physical Force Resulting in Bodily Injury Used During Stop</b>	
Yes	4
No	34,134
<b>Approximate Location of Stop</b>	
City Street	25,758
US Highway	1,608
County Road	81
State Highway	5,050
Private Property/Other	1,641

### **Analysis of Racial Profiling Compliance by Irving Police Department**

The foregoing analysis shows that the Irving Police Department is fully in compliance with all relevant Texas laws concerning racial profiling, including the existence of a formal policy prohibiting racial profiling by its officers, officer training and educational programs, a formalized complaint process, and the collection and reporting of data in compliance with the law.

In addition to providing summary reports and analysis of the data collected by the Irving Police Department in 2020, this report also included an extensive presentation of some of the limitations involved in the level of data collection currently required by law and the methodological problems associated with analyzing such data for the Irving Police Department as well as police agencies across Texas.

# **Appendix A: Racial Profiling Statutes and Laws**

## **Texas Racial Profiling Statutes**

### **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.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 2, eff. Sept. 1, 2001.

### **Art. 2.131. RACIAL PROFILING PROHIBITED.**

A peace officer may not engage in racial profiling.

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

### **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 motor vehicle stops in the routine performance of the officers' official duties.

(2) "Motor vehicle stop" means an occasion in which a peace officer stops a motor vehicle for an alleged violation of a law or ordinance.

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

- (A) Alaska native or American Indian;
- (B) Asian or Pacific Islander;
- (C) black;
- (D) white; and
- (E) Hispanic or Latino.

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

- (1) clearly define acts constituting racial profiling;
- (2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;

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

(4) provide public education relating to the agency's compliment and complaint process, including providing the telephone number, mailing address, and e-mail address to make a compliment or complaint with respect to each ticket, citation, or warning issued by a peace officer;

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

(6) require collection of information relating to motor vehicle stops in which a ticket, citation, or warning is issued and to arrests made as a result of those stops, including information relating to:

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

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

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

(D) whether the peace officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code, during the stop;

(E) the location of the stop; and

(F) the reason for the stop; and

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

(A) the Texas Commission on Law Enforcement; and

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

(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 motor vehicle stops and transmitter-activated equipment in each agency law enforcement motorcycle regularly used to make motor vehicle stops. The agency also shall examine the feasibility of equipping each peace officer who regularly detains or stops motor vehicles with a body worn camera, as that term is defined by Section 1701.651, Occupations Code. If a law enforcement agency installs video or audio equipment or equips peace officers with body worn cameras as provided by this subsection, the policy adopted by the agency under Subsection (b) must include standards for reviewing video and audio documentation.

(e) A report required under Subsection (b)(7) may not include identifying information about a peace officer who makes a motor vehicle 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.

(g) On a finding by the Texas Commission on Law Enforcement that the chief administrator of a law enforcement agency intentionally failed to submit a report required under Subsection (b)(7), the commission shall begin disciplinary procedures against the chief administrator.

(h) A law enforcement agency shall review the data collected under Subsection (b)(6) to identify any improvements the agency could make in its practices and policies regarding motor vehicle stops.

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

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 25, eff. September 1, 2009.

Acts 2013, 83rd Leg., R.S., Ch. 93 (S.B. 686), Sec. 2.05, eff. May 18, 2013.

Acts 2017, 85th Leg., R.S., Ch. 173 (H.B. 3051), Sec. 1, eff. September 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 950 (S.B. 1849), Sec. 5.01, eff. September 1, 2017.

**Art. 2.133. REPORTS REQUIRED FOR MOTOR VEHICLE STOPS.**

(a) In this article, "race or ethnicity" has the meaning assigned by Article 2.132(a).

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

(1) a physical description of any person operating the motor vehicle who is detained as a result of the stop, including:

(A) the person's gender; and

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

(2) the initial reason for the stop;

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

(4) whether any contraband or other evidence was discovered in the course of the search and a description of the contraband or evidence;

(5) the reason for the search, including whether:

(A) any contraband or other evidence was in plain view;

(B) any probable cause or reasonable suspicion existed to perform the search; or

(C) the search was performed as a result of the towing of the motor vehicle or the arrest of any person in the motor vehicle;

(6) whether the officer made an arrest as a result of the stop or the search, including a statement of whether the arrest was based on a violation of the Penal Code, a violation of a traffic law or ordinance, or an outstanding warrant and a statement of the offense charged;

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

(8) whether the officer issued a verbal or written warning or a ticket or citation as a result of the stop; and

(9) whether the officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code, during the stop.

(c) The chief administrator of a law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, is responsible for auditing reports under Subsection (b) to ensure that the race or ethnicity of the person operating the motor vehicle is being reported.

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

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 26, eff. September 1, 2009.

Acts 2017, 85th Leg., R.S., Ch. 950 (S.B. 1849), Sec. 5.02, eff. September 1, 2017.

**Art. 2.134. COMPILATION AND ANALYSIS OF INFORMATION COLLECTED.**

(a) In this article:

(1) "Motor vehicle stop" has the meaning assigned by Article 2.132(a).

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

(b) A law enforcement agency shall compile and analyze the information contained in each report received by the agency under Article 2.133. Not later than March 1 of each year, each law enforcement agency shall submit a report containing the incident-based data compiled during the previous calendar year to the Texas Commission on Law Enforcement and, if the law enforcement agency is a local law enforcement agency, to the governing body of each county or municipality served by the agency.

(c) A report required under Subsection (b) must be submitted by the chief administrator of the law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, and must include:

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

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

(B) examine the disposition of motor vehicle stops made by officers employed by the agency,

categorized according to the race or ethnicity of the affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction; and

(C) evaluate and compare the number of searches resulting from motor vehicle stops within the applicable jurisdiction and whether contraband or other evidence was discovered in the course of those searches; and

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

(d) A report required under Subsection (b) may not include identifying information about a peace officer who makes a motor vehicle 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 Texas Commission on Law Enforcement, in accordance with Section 1701.162, Occupations Code, 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.

(g) On a finding by the Texas Commission on Law Enforcement that the chief administrator of a law enforcement agency intentionally failed to submit a report required under Subsection (b), the commission shall begin disciplinary procedures against the chief administrator.

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

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 27, eff. September 1, 2009.

Acts 2013, 83rd Leg., R.S., Ch. 93 (S.B. 686), Sec. 2.06, eff. May 18, 2013.

Acts 2017, 85th Leg., R.S., Ch. 950 (S.B. 1849), Sec. 5.03, eff. September 1, 2017.

**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 in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras, including specifying criteria to prioritize funding or equipment provided to law enforcement agencies. The criteria may include consideration of tax effort, financial hardship, available revenue, and budget surpluses. The criteria must give priority to:

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

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

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

(d) On receipt of funds or video and audio equipment from the state for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras, the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency has taken the necessary actions to use and is using video and audio equipment and body worn cameras for those purposes.

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

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 950 (S.B. 1849), Sec. 5.04, eff. September 1, 2017.

**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. 2.1385. CIVIL PENALTY.**

(a) If the chief administrator of a local law enforcement agency intentionally fails to submit the incident-based data as required by Article 2.134, the agency is liable to the state for a civil penalty in an amount not to exceed \$5,000 for each violation. The attorney general may sue to collect a civil penalty under this subsection.

(b) From money appropriated to the agency for the administration of the agency, the executive director of a state law enforcement agency that intentionally fails to submit the incident-based data as required by Article 2.134 shall remit to the comptroller the amount of \$1,000 for each violation.

(c) Money collected under this article shall be deposited in the state treasury to the credit of the general revenue fund.

Added by Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 29, eff. September 1, 2009.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 950 (S.B. 1849), Sec. 5.05, eff. September 1, 2017.

# **Appendix B: Agency Policy**

## **806.00 BIAS FREE POLICING**

### **806.01 Purpose**

This policy provides employees with guidelines promoting Bias Free Policing.

### **806.02 Policy**

The employees of this agency will treat citizens with dignity, courtesy, compassion, fairness, and impartiality.

### **806.03 Definition**

Biased Policing: A law enforcement initiated action based on an individual's race, ethnicity, national origin, gender, sexual orientation, gender identity, religion, economic status, age, or disability rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity.

### **806.04 Procedures**

- A. It is the policy of the Irving Police Department to treat citizens with dignity, courtesy, compassion, fairness, and impartiality. Toward this end Biased Policing is strictly prohibited in all areas including but not limited to traffic contacts, field contacts, searches and investigative detentions.
- B. Officers shall not use race, ethnicity, national origin, gender, sexual orientation, gender identity, religion, economic status, age, or disability except to determine whether a person matches a specific description of a specific suspect.
- C. Any person may file a complaint with any supervisor or the Professional Standards Section if they feel they have been stopped or searched based on an officer's bias.
- D. Officers that stop a motor vehicle for a violation of law or ordinance shall gather data required by the Texas Code of Criminal Procedure, Article 2.133 (b)(1-9). This data will be provided to the City Council and the Texas Commission on Law Enforcement on by March 1<sup>st</sup> for the previous calendar year.
- E. The Irving Police Department shall provide public education relating to the department's complaint process. (e.g. via the department's web site, I.C.T.N., P.I.O. etc.).
- F. The Irving Police Department shall train all new officers in bias free policing during recruit in-service training. All other officers will receive training on the subject during normal training cycles and/or through other training modules mandated by the department.

### **806.05 Supervisor Responsibility**

- A. Review at least three random body worn camera videos each quarter, per officer assigned to them to ensure officers' actions are consistent with this policy.
- B. Thoroughly investigate any complaints of Biased Policing.
- C. Provide to an officer who is the subject of a Biased Policing complaint, upon request of the officer, an audio and/or video copy of the incident if in existence.
- D. Take immediate and appropriate action when observing or being made aware of Biased Policing.

# Appendix C: Racial Profiling Laws and Corresponding Standard Operating Procedures

<b>Texas CCP Article</b>	<b>IRVING POLICE DEPARTMENT Policy 806.00 (Bias Free Policing)</b>
2.132(b)1	806.03 Definition
2.132(b)2	806.04 Procedures
2.132(b)3	806.04 Procedures
2.132(b)4	806.04 Procedures
2.132(b)5	806.05 Supervisor Responsibility
2.132(b)6	806.04 Procedures
2.132(b)7	806.04 Procedures

IRVING  
POLICE DEPARTMENT

**Comparative Analysis to follow.**

**The breakdown by race in numerous categories is not reflected due to the change occurring during the reporting year. In instances where data was not mandatory for this report, we have entered "0". Reporting using the old format was permitted for the 2020 Racial Profiling Report. Collection of the new information began January 1, 2021 and will be included in the 2021 Racial Profiling Report.**

# Racial Profiling Report | Full

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Agency Name: IRVING POLICE DEPT.  
Reporting Date: 02/22/2021  
TCOLE Agency Number: 113216

Chief Administrator: JEFFERY L. SPIVEY

Agency Contact Information:  
Phone: (972) 721-2584  
Email: jspivey@cityofirving.org

Mailing Address:  
PO BOX 152288  
IRVING, TX 75015-2288

This Agency filed a full report

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

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

The IRVING POLICE DEPT. has satisfied the statutory data audit requirements as prescribed in Article 2.133(c), Code of Criminal Procedure during the reporting period.

Executed by: BRITTNEY LASKOSKY  
ADMIN SECRETARY

Date: 02/22/2021

# Total stops: 34138

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## Street address or approximate location of the stop

City street	25758
US highway	1608
County road	81
State highway	5050
Private property or other	1641

## Was race or ethnicity known prior to stop?

Yes	1151
No	32987

## Race / Ethnicity

Alaska Native / American Indian	212
Asian / Pacific Islander	2571
Black	9024
White	10592
Hispanic / Latino	11739

## Gender

<b>Female</b>	<b>11564</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
<b>Male</b>	<b>22574</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0

## Reason for stop?

<b>Violation of law</b>	<b>1510</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0

Hispanic / Latino	0
<b>Preexisting knowledge</b>	<b>645</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
<b>Moving traffic violation</b>	<b>25132</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
<b>Vehicle traffic violation</b>	<b>6851</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
<b>Was a search conducted?</b>	
<b>Yes</b>	<b>1666</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
<b>No</b>	<b>32472</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
<b>Reason for Search?</b>	
<b>Consent</b>	<b>607</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0

Hispanic / Latino	0
<b>Contraband</b>	<b>43</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
<b>Probable</b>	<b>835</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
<b>Inventory</b>	<b>109</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
<b>Incident to arrest</b>	<b>72</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0

**Was Contraband discovered?**

<b>Yes</b>	<b>724</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
<b>No</b>	<b>942</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0

**Did the finding result in arrest?**  
(total should equal previous column)

Yes	0	No	0
Yes	0	No	0
Yes	0	No	0
Yes	0	No	0
Yes	0	No	0

<b>Description of contraband</b>	
<b>Drugs</b>	<b>491</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
<b>Weapons</b>	<b>28</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
<b>Currency</b>	<b>8</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
<b>Alcohol</b>	<b>93</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
<b>Stolen property</b>	<b>24</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
<b>Other</b>	<b>132</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
<b>Result of the stop</b>	
Verbal warning	<b>10537</b>

Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
<b>Written warning</b>	<b>5097</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
<b>Citation</b>	<b>18205</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
<b>Written warning and arrest</b>	<b>9</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
<b>Citation and arrest</b>	<b>73</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
<b>Arrest</b>	<b>217</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
<b>Arrest based on</b>	
<b>Violation of Penal Code</b>	<b>198</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0

Black	0
White	0
Hispanic / Latino	0
<b>Violation of Traffic Law</b>	<b>11</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
<b>Violation of City Ordinance</b>	<b>5</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
<b>Outstanding Warrant</b>	<b>85</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0

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

<b>Yes</b>	<b>4</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
<b>No</b>	<b>34134</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0

**Number of complaints of racial profiling**

Total	4
Resulted in disciplinary action	0
Did not result in disciplinary action	4

Submitted electronically to the



The Texas Commission on Law Enforcement