



# MIDLAND POLICE DEPARTMENT

2024

## 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 Midland Police Department revealed the following:

- **A COMPREHENSIVE REVIEW OF THE MIDLAND POLICE DEPARTMENT’S BIAS BASED PROFILING POLICY SHOWS THAT THE MIDLAND 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 MIDLAND 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 MIDLAND POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW CONCERNING THE REPORTING OF INFORMATION TO TCOLE.**
- **THE MIDLAND 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 Midland Police Department's policies, training, and statistical information on racial profiling for the year 2024. This report has been prepared to specifically comply with Article 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 Midland Police Department in 2024. The full copies of the applicable laws pertaining to this report are contained in Appendix A.

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

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

A review of Midland Police Department's "Bias Based Profiling" policy revealed that the department has adopted policies 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 Midland Police Department's bias based profiling policy. Midland Police Department policies provide clear direction that any form of racial profiling is prohibited and that officers found engaging in inappropriate profiling may be disciplined up to and including termination of employment. The policies also provide 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 Midland Police Department regulation.

***A COMPREHENSIVE REVIEW OF MIDLAND POLICE DEPARTMENT'S BIAS BASED PROFILING POLICY SHOWS THAT THE MIDLAND POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH ARTICLE 2.132 OF THE TEXAS CODE OF CRIMINAL PROCEDURE.***

## **Midland 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 Midland Police Department reveals that racial profiling training and certification is current for all officers in 2024. All Midland Police Department officers are trained and instructed on the racial profiling law in Texas. In addition, all officers and supervisors periodically complete a 4-hour refresher course on the racial profiling law and the department's Bias Based Profiling

policy. All officers have been instructed on the policies and procedures regarding racial profiling and the accompanying complaint process as well.

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

## **Midland 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. Midland Police Department's Bias Based Profiling Policy Section IX (Public Education) covers this requirement. The City of Midland Police Department has also taken the following actions to ensure that the information relating to the policy disallowing racial profiling has been made known to the public:

1) Published racial profiling policy and complaint information on the City of Midland Website (<http://www.midlandtexas.gov/documentcenter/view/1034>) and (<http://www.midlandtexas.gov/879/File-A-Complaint>).

2) Created brochures in both English and Spanish which clearly provide information about racial profiling, how to file a complaint, and various contact sources for the general public.

***A REVIEW OF THE DOCUMENTATION PRODUCED BY THE DEPARTMENT 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.***

## **Midland 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. Midland Police Department submitted statistical information on all motor vehicle stops in 2024 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.***

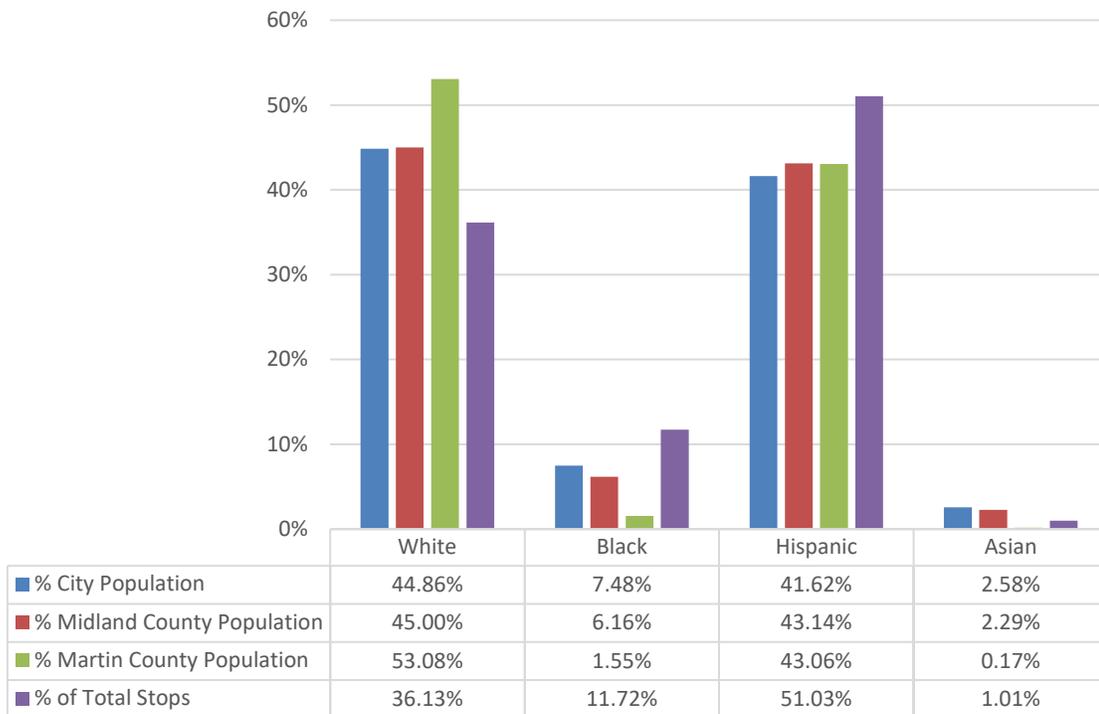
## Analysis of the Data

### 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 23,590 motor vehicle stops in which a ticket, citation, or warning was issued, including arrests made, in 2024.<sup>1</sup>

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



*White drivers* constituted 36.13 percent of all drivers stopped, whereas Whites constitute 44.86 percent of the city population, 45.00 percent of the Midland County population and 53.08 percent of the Martin County population.<sup>2</sup>

<sup>1</sup> A total of 26 stops of motorists considered Alaska Native/American Indian are not charted due to the small number of stops relative to the population base and the total number of motor vehicle stops among all drivers (23,590).

<sup>2</sup> City and County populations were derived from 2020 Decennial Census Redistricting Data (DEC) of the U.S. Census Bureau. City and County populations by gender noted later in this report are based on 2019 American Community Survey estimates. Because the City of Midland extends into both Midland and Martin counties, population measures for both counties are presented.

*Black drivers* constituted 11.72 percent of all drivers stopped, whereas Blacks constitute 7.48 percent of the city population, 6.16 percent of the Midland County population and 1.55 percent of the Martin County population.

*Hispanic drivers* constituted 51.03 percent of all drivers stopped, whereas Hispanics constitute 41.62 percent of the city population, 43.14 percent of the Midland County population and 43.06 percent of the Martin county population.

*Asian drivers* constituted 1.01 percent of all drivers stopped, whereas Asians constitute 2.58 percent of the city population, 2.29 percent of the Midland County population, and 0.17 percent of the Martin County population.

The chart shows that White drivers are stopped at rates lower than the percentage of Whites found in the city and county populations. Black drivers are stopped at rates higher than the percentage of Blacks found in the city and county populations. Hispanic drivers are stopped at rates higher than the percentage of Hispanics found in the city and county populations. Asian drivers are stopped at rates higher than percentage of Asians found in the Martin County population, but lower than the percentage of Asians in the city and Midland County 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 most recent 2020 Census as a population base-rate, this population measure can become quickly outdated, can be inaccurate, and may not keep pace with changes experienced in city or county population measures. Utilizing a different base rate can make differences regarding whether disproportionality exists or not. Even then, as noted above, disproportionality in the rate of stops among different racial/ethnic groups does not automatically equate to a finding of racial profiling.

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 or county 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 3 near the end of this report, of the 23,590 motor vehicle stops in 2024, the officer knew the race/ethnicity of the motorist prior to the stop in 0.5% of the stops (114/23,590). 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, Midland 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.

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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.

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.

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 Midland Police Department in 2024. 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)*

As shown in Table 1, there were a total of 23,590 motor vehicle stops in 2024 in which a ticket, citation, or warning was issued. The table also shows arrests made as a result of those stops. Roughly 61 percent of stops resulted in a verbal warning (14,274/23,590) and roughly 26 percent resulted in a citation. These two actions accounted for roughly 87 percent of all result of stop actions and will be discussed in more detail below.

Specific to **verbal warnings**, White motorists received a verbal warning in roughly 60 percent of stops involving White motorists (5,094/8,522), Black motorists received a verbal warning in roughly 65 percent of stops of Black motorists, Hispanic motorists received a verbal warning in roughly 60 percent of stops of Hispanic motorists, and Asian motorists received a verbal warning in roughly 67 percent of stops of Asian motorists.

Specific to **citations**, White motorists received a citation in roughly 25 percent of stops involving White motorists (2,126/8,522), Black motorists received a citation in roughly 20 percent of stops of Black motorists, Hispanic motorists received a citation in roughly 28 percent of stops of Hispanic motorists, and Asian motorists received a citation in roughly 22 percent of stops of Asian motorists.

As illustrated in Table 1, of the 23,590 total stops, 1,348 **arrests** [written warning and arrest (3), citation and arrest (198) and arrest only (1,147)] were made in 2024, and this accounts for 5.7 percent of all stops. White motorists were arrested in 5.3 percent of stops involving White motorists (448/8,522), Black motorists were arrested in 8.5 percent of stops involving Black motorists, Hispanic motorists were arrested in 5.5 percent of stops involving Hispanic motorists, and Asian motorists were arrested in 3.3 percent of stops of Asian motorists.

Overall, arrests were most commonly based on a **violation of the penal code** (55.3%; 746/1,348) or an **outstanding warrant** (35.3%; 476/1,348) as illustrated in Table 1.

Finally, as presented in Table 1, **physical force resulting in bodily injury** occurred in 31 of the 23,590 traffic stops in 2024. Physical force resulting in bodily injury occurred in 0.13 percent of all traffic stops (31/23,590). Of the 31 stops in which physical force resulted in bodily injury, in 30 the injury occurred to the suspect only, and in one the officer only.

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

Stop Table	White	Black	Hispanic /Latino	Asian /Pacific Islander	Alaska Native /American Indian	Total
Number of Stops	8,522	2,764	12,039	239	26	23,590
<b>Gender</b>						
Female	3,078	922	3,696	84	9	7,789
Male	5,444	1,842	8,343	155	17	15,801
<b>Reason for Stop</b>						
Violation of Law	286	139	517	10	1	953
Preexisting Knowledge	44	20	50	1	0	115
Moving Traffic Violation	6,256	1,683	8,158	186	20	16,303
Vehicle Traffic Violation	1,936	922	3,314	42	5	6,219
<b>Result of Stop</b>						
Verbal Warning	5,094	1,808	7,189	161	22	14,274
Written Warning	854	159	870	17	1	1,901
Citation	2,126	563	3,323	53	2	6,067
Written Warning and Arrest	0	0	3	0	0	3
Citation and Arrest	64	35	99	0	0	198
Arrest	384	199	555	8	1	1,147
<b>Arrest Based On</b>						
Violation of Penal Code	272	106	361	7	0	746
Violation of Traffic Law	45	11	68	1	0	125
Violation of City Ordinance	0	0	1	0	0	1
Outstanding Warrant	131	117	227	0	1	476
<b>Physical Force Resulting in Bodily Injury Used?</b>						
No	8,515	2,759	12,021	238	26	23,559
Yes	7	5	18	1	0	31

### 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 2024, a total of 1,783 **searches** of motorists were conducted as indicated in Table 2, or roughly 8 percent of all stops resulted in a search (1,783/23,590). Among searches within each racial/ethnic group, White motorists were searched in roughly 6 percent of all stops of White motorists (539/8,522), Black motorists were searched in roughly 12 percent of all stops of Black motorists, Hispanic motorists were searched in roughly 8 percent of all stops of Hispanic motorists, and Asian motorists were searched in roughly 5 percent of all stops of Asian motorists (13 total searches of Asian motorists out of 239 traffic stops).

As illustrated in Table 2, the most common reason for a search was probable cause (39.1%; 698/1,783). Among **probable cause searches** within each racial/ethnic group, White motorists were searched based on probable cause in roughly 35 percent of all searches of White motorists (191/539), Black motorists were searched based on probable cause in roughly 58 percent of all searches of Black motorists, Hispanic motorists were searched based on probable cause in roughly 35 percent of all searches of Hispanic motorists, and Asian motorists were searched based on probable cause in roughly 15 percent of all searches of Asian motorists (2 probable cause searches out of 13 total searches of Asian motorists).

Regarding searches, 507 of the 1,783 searches, or roughly 28 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 (23,590), discretionary consent searches occurred in 2.1 percent of stops (507/23,590).

Among **consent searches** within each racial/ethnic group, White motorists were searched based on consent in roughly 29 percent of all searches of White motorists (154/539), Black motorists were searched based on consent in roughly 21 percent of all searches of Black motorists, Hispanic motorists were searched based on consent in roughly 31 percent of all searches of Hispanic motorists, and Asian motorists were searched based on consent in 31 percent of all searches of Asian motorists (4 consent searches out of 13 total searches of Asian motorists).

As shown in Table 2, **contraband was discovered** in 859 searches or roughly 48 percent of the searches conducted (859/1,783). Most frequently, the contraband seized was drugs (54.1%; 465/859), as illustrated in Table 2. Finally, as illustrated in Table 2, when contraband was discovered, motorists were arrested roughly 44 percent of the time (378/859 contraband discoveries).

**Table 2: Searches and Outcomes by Race/Ethnicity**

Search Table	White	Black	Hispanic /Latino	Asian /Pacific Islander	Alaska Native /American Indian	Total
<b>Search Conducted</b>						
Yes	539	328	903	13	0	1,783
No	7,983	2,436	11,136	226	26	21,807
<b>Reason for Search</b>						
Consent	154	70	279	4	0	507
Contraband in Plain View	26	12	48	0	0	86
Probable Cause	191	189	316	2	0	698
Inventory	107	35	160	7	0	309
Incident to Arrest	61	22	100	0	0	183
<b>Was Contraband Discovered</b>						
Yes	282	173	398	6	0	859
No	257	155	505	7	0	924
<b>Description of Contraband</b>						
Drugs	149	108	208	0	0	465
Weapons	14	16	32	1	0	63
Currency	0	0	1	1	0	2
Alcohol	58	31	99	2	0	190
Stolen Property	1	0	2	0	0	3
Other	60	18	56	2	0	136
<b>Did Discovery of Contraband Result in Arrest?</b>						
Yes	126	82	169	1	0	378
No	156	91	229	5	0	481

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 2024, internal records indicate that the Midland Police Department received 2 complaints alleging that a peace officer employed by the agency engaged in racial profiling. Upon

investigation, each officer was exonerated and thus, the complaints did not result in disciplinary action against the officers.

#### 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 2024, 23,590 motor vehicle stops were made by the Midland Police Department. Of these stops, 7,789 or roughly 33 percent were female drivers (7,789/23,590), and roughly 67 percent were male drivers (see Table 1).

According to 2019 American Community Survey (ACS) city and county population estimates of the U.S. Census Bureau, the City of Midland was composed of 49.2 percent females and 50.8 percent males. County population 2019 ACS estimates indicate that in Midland County, females accounted for 49.7 percent of the county population and males accounted for 50.3 percent of the county population and in Martin County, females accounted for 47.9 percent of the county population and males accounted for 52.1 percent of the county population.

Overall, in 2024, males were stopped at rates higher than their proportion of the city and county populations.

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

Tables 3 provides additional information relative to motor vehicle stops in 2024 by the Midland Police Department. These data are required to be collected by the Midland Police Department under the Texas Code of Criminal Procedure Article 2.133.

As previously noted, the Midland Police Department received 2 complaints alleging that a peace officer employed by the agency engaged in racial profiling in 2024. Upon investigation, each officer was exonerated and thus, the complaints did not result in disciplinary action against the officers. Furthermore, as previously discussed, of the 23,590 motor vehicle stops in 2024, the officer knew the race/ethnicity of the motorist prior to the stop in 0.5% of the stops (114/23,590).

**Table 3: Additional Information**

<b>Additional Information</b>	<b>Total</b>
<b>Was Race/Ethnicity Known Prior to Stop</b>	
Yes	114
No	23,476
<b>Approximate Location of Stop</b>	
City Street	22,878
US Highway	78
County Road	10
State Highway	585
Private Property/Other	39
<b>Number of Complaints of Racial Profiling</b>	
Resulted in Disciplinary Action	0
Did Not Result in Disciplinary Action	2

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

The foregoing analysis shows that the Midland 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 of data in compliance with the law.

In addition to providing summary reports and analysis of the data collected by the Midland Police Department in 2024, 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 Midland 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**

## **Midland Police Department Racial Profiling Policy and Related Materials**

Effective Date	September 2001	
Revision Date	11/2017	
Review Date	12/2019	
Previous Revision Date	10/2014	
Affects: Sworn Personnel		
<b>Chapter 2 Section 6 Biased-Based Profiling</b>		

**I. STATEMENT OF PURPOSE**

The purpose of this order is to define departmental policy and provide guidance to employees regarding bias-based profiling. Profiling can be a useful tool to assist law enforcement officers in carrying out their duties. Bias-based profiling, however, is the selection of individuals based solely on a common trait of a group. The practice of bias-based profiling by law enforcement personnel undermines legitimate law enforcement efforts and may lead to claims of civil rights violations. Additionally, bias-based profiling alienates citizens, fosters distrust of law enforcement by the community, invites media scrutiny, and judicial intervention.

This policy does not prohibit department personnel from stopping or detaining individuals if a specific report exists in which an individual's race, national origin, citizenship, religion, ethnicity, age or gender is a factor in determining the existence of reasonable suspicion and/or probable cause for taking police action. Nor does this policy prohibit officers from offering assistance to the public or stopping someone suspected of a crime based upon observed actions and/or information received about the person.

**II. GENERAL POLICY**

It is the policy of the Midland Police Department to patrol in a proactive manner, to aggressively investigate suspicious persons and circumstances, and to actively enforce motor vehicle laws, while insisting that citizens will only be stopped or detained when there exists reasonable suspicion to believe that they have committed, are committing, or are about to commit a violation of the law. It is the policy of the Midland Police Department to protect the fundamental rights of all citizens, and to provide equal protection under the law. Therefore, the Midland Police Department prohibits the use of bias-based profiling in traffic contacts, field contacts, and in asset seizure and forfeiture. (CALEA 1.2.9.a)

**III. DEFINITIONS**

A. Arrest - To deprive a person of his liberty by legal authority.

\* B. Bias-based profiling – A law-enforcement initiated action based on an individual's race, ethnicity, national origin, gender, sexual orientation/identity, religion, economic status, age, cultural group, or any other identifiable group rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity. For purposes of this policy this term may be used interchangeably with the term "racial profiling."

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Revision Date	11/2017	
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Examples of bias-based profiling include, but are not limited to the following:

1. Using racial or ethnic stereotypes as factors in selecting whom to stop and search.
2. Detaining the driver of a vehicle based on the determination that a person of that race, ethnicity or national origin is unlikely to possess that specific make or model of vehicle.
3. 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.

C. Detention – Any restriction upon a person’s liberty imposed by a peace officer, based upon reasonable suspicion. If the individual is not free to go, the individual will be considered detained.

\* D. Race or Ethnicity – Heritage of a particular decent, including White, Black, Hispanic, Asian/Pacific Islander, Native American/Alaskan Native.

E. Motor Vehicle Stop – means an occasion in which a peace officer stops a motor vehicle for an alleged violation of a law or ordinance.

**IV. DATA COLLECTION AND REPORTING**

\* A. For each motor vehicle stop, regardless of the enforcement action, the peace officer conducting the motor vehicle stop shall collect information identifying the race or ethnicity of the individual detained, stating whether a search was conducted, and if a search was conducted, whether the individual detained consented to the search, and whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual. Motor vehicle stops made pursuant to a pre-existing investigation are exempt from the collection of the above information.

\* B. If a response to resistance incident occurs during a traffic stop the Officer must report this incident on the same data collection report. The Officer must also report: if injury was sustained, the type of force used, location, and reason for stop pursuant to the response to resistance.

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- \* C. If an officer chooses to make a discretionary search on a motor vehicle stop, the officer must notify a supervisor prior to the search. The supervisor will be responsible for assuring that an MPD Racial Data Collection scantron form is submitted through the chain of command to the office of Professional Standards.
  - \* D. Effective January 1, 2018, the Chief of Police shall submit a report to the Texas Commission on Law Enforcement and the City Council containing the information compiled during the previous calendar year. The report shall be submitted to TCOLE by March 1 of each year and shall 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.
  - \* 5. Force resulting in injury, and if so, place and reason for stop.
  - E. The report shall not include any information identifying the peace officer that has made a motor vehicle stop or any information about an individual who has been stopped or arrested.
- V. USE OF VIDEO AND AUDIO EQUIPMENT
- A. Each motor vehicle stop made by an officer of this department that is capable of being recorded by video and audio, or audio, as appropriate, is recorded.
  - B. Officers shall adhere to the mobile video operating procedures outlined in Chapter 8, Section 17, Mobile Video Recording System.
  - C. If the equipment used to record audio and/or video of motor vehicle stops is malfunctioning or otherwise not operable, the officer making the stop shall properly record and report the information on the MPD Data Collection scantron form.
- VI. COMPLAINT PROCESS
- A. Any person who believes that a peace officer employed by the City of Midland has engaged in bias-based profiling with respect to that person may file a

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complaint with the Professional Standards Division. Furthermore the information on how to file a complaint regarding any citation or warning issued by an Officer is made available in person at the Midland Police Department and through the Police Department website.

- B. No person shall be discouraged, intimidated, or coerced from filing such a complaint, or be discriminated against because they have filed such a complaint.
- C. If there is a departmental video or audio recording of the events upon which a complaint of bias-based 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, the department shall promptly provide a copy of the recording to that officer.
- D. Dependant on the findings of each complaint as well as the specific factors involved, corrective measures will be taken to remedy violations of this policy. Corrective measures may include but are not limited to training, counseling, policy review, and disciplinary action up to and including termination of employment. (CALEA 1.2.9.c)
- E. Annually, the Professional Standards Division will compile a statistical summary of all bias-based profiling complaints and bias-based citizen concerns, which will include the outcome of each complaint or concern. The statistical summary will be made a component of the annual published summary of internal investigations provided by the Professional Standards Division.
- F. The statistical summary will be used in an annual administrative analysis of these complaints and concerns, which will take into account a review of agency policy and practices. (CALEA 1.2.9.c)

**VII. SUPERVISOR RESPONSIBILITIES**

- A. Supervisors shall ensure that officers follow the policies and procedures outlined in this document. It is the responsibility of supervisors to monitor the activities of their personnel and to identify potential bias-based policing activity.
- B. An on-duty supervisor will promptly respond to an incident when advised that a person is making a complaint alleging profiling or other improper conduct.
- C. Supervisors will be apprised of all bias-based profile complaints involving personnel under their command.

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<b>Chapter 2 Section 6 Biased-Based Profiling</b>		

- D. Supervisors shall randomly review recordings of their officers to assist in periodic assessment of officer performance, determine whether MVR equipment is being fully and properly used, and identify material that may be appropriate for use in training.
- E. Supervisors will be particularly alert to potential patterns and practices of their personnel that may indicate bias-based profiling and treatment of individuals.
- F. Supervisors will document in their monthly report which officer's recordings were randomly reviewed and the results of the review.

**VIII. TRAINING**

Officers of the department will receive initial and annual training regarding bias-based profiling related issues according to TCOLE guidelines. (CALEA 1.2.9.b)

**IX. 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.

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This policy does not prohibit department personnel from stopping or detaining individuals if a specific report exists in which an individual's race, national origin, citizenship, religion, ethnicity, age or gender is a factor in determining the existence of reasonable suspicion and/or probable cause for taking police action. Nor does this policy prohibit officers from offering assistance to the public or stopping someone suspected of a crime based upon observed actions and/or information received about the person.

II. GENERAL POLICY

It is the policy of the Midland Police Department to patrol in a proactive manner, to aggressively investigate suspicious persons and circumstances, and to actively enforce motor vehicle laws, while insisting that citizens will only be stopped or detained when there exists reasonable suspicion to believe that they have committed, are committing, or are about to commit a violation of the law. It is the policy of the Midland Police Department to protect the fundamental rights of all citizens, and to provide equal protection under the law. Therefore, the Midland Police Department prohibits the use of bias-based profiling in traffic contacts, field contacts, and in asset seizure and forfeiture. (CALEA 1.2.9.a)

III. DEFINITIONS

- A. Arrest - To deprive a person of his liberty by legal authority.
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1. Using racial or ethnic stereotypes as factors in selecting whom to stop and search.
  2. Detaining the driver of a vehicle based on the determination that a person of that race, ethnicity or national origin is unlikely to possess that specific make or model of vehicle.
  3. 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.
- C. Detention – Any restriction upon a person’s liberty imposed by a peace officer, based upon reasonable suspicion. If the individual is not free to go, the individual will be considered detained.
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- \* B. If a response to resistance incident occurs during a traffic stop the Officer must report this incident on the same data collection report. The Officer must also report: if injury was sustained, the type of force used, location, and reason for stop pursuant to the response to resistance.

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- \* C. If an officer chooses to make a discretionary search on a motor vehicle stop, the officer must notify a supervisor prior to the search. The supervisor will be responsible for assuring that an MPD Racial Data Collection scantron form is submitted through the chain of command to the office of Professional Standards.
  - \* D. Effective January 1, 2018, the Chief of Police shall submit a report to the Texas Commission on Law Enforcement and the City Council containing the information compiled during the previous calendar year. The report shall be submitted to TCOLE by March 1 of each year and shall include:
    1. A breakdown of citations by race or ethnicity;
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  - \* 5. Force resulting in injury, and if so, place and reason for stop.
  - E. The report shall not include any information identifying the peace officer that has made a motor vehicle stop or any information about an individual who has been stopped or arrested.
- V. USE OF VIDEO AND AUDIO EQUIPMENT
- A. Each motor vehicle stop made by an officer of this department that is capable of being recorded by video and audio, or audio, as appropriate, is recorded.
  - B. Officers shall adhere to the mobile video operating procedures outlined in Chapter 8, Section 17, Mobile Video Recording System.
  - C. If the equipment used to record audio and/or video of motor vehicle stops is malfunctioning or otherwise not operable, the officer making the stop shall properly record and report the information on the MPD Data Collection scantron form.
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complaint with the Professional Standards Division. Furthermore the information on how to file a complaint regarding any citation or warning issued by an Officer is made available in person at the Midland Police Department and through the Police Department website.

- B. No person shall be discouraged, intimidated, or coerced from filing such a complaint, or be discriminated against because they have filed such a complaint.
- C. If there is a departmental video or audio recording of the events upon which a complaint of bias-based 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, the department shall promptly provide a copy of the recording to that officer.
- D. Dependant on the findings of each complaint as well as the specific factors involved, corrective measures will be taken to remedy violations of this policy. Corrective measures may include but are not limited to training, counseling, policy review, and disciplinary action up to and including termination of employment. (CALEA 1.2.9.c)
- E. Annually, the Professional Standards Division will compile a statistical summary of all bias-based profiling complaints, which will include the outcome of each complaint. The statistical summary will be made a component of the annual published summary of internal investigations provided by the Professional Standards Division.
- F. The statistical summary will be used in an annual administrative analysis of these complaints, which will take into account a review of agency policy and practices, and citizen complaints. (CALEA 1.2.9.d)

VII. SUPERVISOR RESPONSIBILITIES

- A. Supervisors shall ensure that officers follow the policies and procedures outlined in this document. It is the responsibility of supervisors to monitor the activities of their personnel and to identify potential bias-based policing activity.
- B. An on-duty supervisor will promptly respond to an incident when advised that a person is making a complaint alleging profiling or other improper conduct.
- C. Supervisors will be apprised of all bias-based profile complaints involving personnel under their command.

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- D. Supervisors shall randomly review recordings of their officers to assist in periodic assessment of officer performance, determine whether MVR equipment is being fully and properly used, and identify material that may be appropriate for use in training.
- E. Supervisors will be particularly alert to potential patterns and practices of their personnel that may indicate bias-based profiling and treatment of individuals.
- F. Supervisors will document in their monthly report which officer's recordings were randomly reviewed and the results of the review.

VIII. TRAINING

Officers of the department will receive training regarding bias-based profiling related issues according to TCOLE guidelines. (CALEA 1.2.9.b)

IX. 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.



**MIDLAND POLICE DEPARTMENT**  
**INTERNAL AFFAIRS**  
**Complaint Form**

Date Reported:		Time Reported:		Officer Receiving Complaint:		Method of Complaint: <input type="checkbox"/> In Person <input type="checkbox"/> Telephone <input type="checkbox"/> Letter	
Complainant's Full Name:			Race:	Sex:	D.O.B:	Driver's License Number:	Other Identification:
Complainant's Home Address:			Home Phone:		Place of Employment:		Business Phone:
Date of Incident:	Time:	Location of Incident:			Was complainant arrested? <input type="checkbox"/> YES <input type="checkbox"/> NO		Complaint / Case #
#1 Witness			Address:		Telephone:		Place of Employment:
#2 Witness			Address:		Telephone:		Place of Employment:
#3 Witness			Address:		Telephone:		Place of Employment:

**NAME OR IDENTIFIERS OF MIDLAND POLICE EMPLOYEE(S) AGAINST WHO THE ALLEGATION(S) IS/ARE BEING MADE:**

No. 1 Name or description:		Bureau:	Job Title:
No. 2 Name or description:		Bureau:	Job Title:

**NOTICE TO COMPLAINANT**

You are informed that a sworn, written statement of fact (an affidavit) will be solicited. Though a sworn affidavit is preferred and requested, you are assured that your complaint will be fully investigated as far as practical in the absence of such an affidavit. (The Texas Government Code, Section 614.022, provides that all complaints to be considered on law enforcement officers must be in writing and signed by the person making the complaint.)

**TEXAS GOVERNMENT CODE:**

**Sec. 614.022. Complaint to be in writing and signed by complainant.** To be considered by the head of a state agency or by the head of a fire department or local law enforcement agency, the complaint must be: (1) in writing; and (2) signed by the person making the complaint.

**Sec. 614.023. Copy of complaint to be given to officer or employee.** (a) A copy of a signed complaint against a law enforcement officer of this state or a fire fighter, detention officer, county jailer, or peace officer appointed or employed by a political subdivision of this state shall be given to the officer or employee within a reasonable time after the complaint is filed.(b) Disciplinary action may not be taken against the officer or employee unless a copy of the signed complaint is given to the officer or employee.(c) In addition to the requirement of Subsection (b), the officer or employee may not be indefinitely suspended or terminated from employment based on the subject matter of the complaint unless:(1) the complaint is investigated; and(2) there is evidence to prove the allegation of misconduct.

**TEXAS STATE PENAL CODE:**

**Sec. 37.02 Perjury.** a) A person commits an offense if, with intent to deceive and with knowledge of the statement's meaning:(1) he makes a false statement under oath or swears to the truth of a false statement previously made and the statement is required or authorized by law to be made under oath; or (2) he makes a false unsworn declaration under Chapter 132, Civil Practice and Remedies Code. (b) An offense under this section is a Class A misdemeanor.

**Sec. 37.03. Aggravated Perjury.** (a) A person commits an offense if he commits perjury as defined in Section 37.02, and the false statement:(1) is made during or in connection with an official proceeding; and(2) is material.(b) An offense under this section is a felony of the third degree.

**Sec. 37.08. False Report To Peace Officer, or Law Enforcement Employee.** (a) A person commits an offense if, with intent to deceive, he knowingly makes a false statement that is material to a criminal investigation and makes the statement to: (1) a peace officer or federal special investigator conducting the investigation; or (2) any employee of a law enforcement agency that is authorized by the agency to conduct the investigation and that the actor knows is conducting the investigation. (b) In this section, "law enforcement agency" has the meaning assigned by Article 59.01, Code of Criminal Procedure. (c) An offense under this section is a Class B misdemeanor.

**\*By signing below, the complainant is acknowledging having read and understood the foregoing NOTICE TO COMPLAINANT and understands the penalties for making a false statement.**

Signature of Complainant: \_\_\_\_\_

**COPY PRESENTED TO EMPLOYEE**

I have received a copy of this complaint on this date.		Presented by:			
Employee Signature:					
Supervisor Assigned:	Rank	PIN	Bureau:	Division:	
Investigator Assigned:	Rank	PIN	Date Assigned:	Assigned by:	



# Appendix C

## Racial Profiling Laws and Corresponding Department Policies

<b>Texas CCP Article</b>	<b>MIDLAND POLICE DEPARTMENT Biased- Based Profiling</b>
2.132(b)1	Section III, Definitions
2.132(b)2	Section II, General Policy
2.132(b)3	Section VI, Complaint Process
2.132(b)4	Section IX, Public Education
2.132(b)5	Section VI, Complaint Process
2.132(b)6	Section IV, Data Collection & Reporting
2.132(b)7	Section IV, Data Collection & Reporting