

Racial Profiling Report | Full

Agency Name: BAY CITY POLICE DEPT.
Reporting Date: 02/25/2021
TCOLE Agency Number: 321201

Chief Administrator: ROBERT B. LISTER

Agency Contact Information:
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2201 AVENUE H
BAY CITY, TX 77414

This Agency filed a full report

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

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

The BAY CITY POLICE DEPT. has satisfied the statutory data audit requirements as prescribed in Article 2.133(c),

Total stops: 7172

Street address or approximate location of the stop

City street	5792
US highway	2
County road	16
State highway	1251
Private property or other	111

Was race or ethnicity known prior to stop?

Yes	171
No	7001

Race / Ethnicity

Alaska Native / American Indian	25
Asian / Pacific Islander	65
Black	1163
White	2977
Hispanic / Latino	2942

Gender

Female	2658
Alaska Native / American Indian	8
Asian / Pacific Islander	18
Black	457
White	1186
Hispanic / Latino	989
Male	4514
Alaska Native / American Indian	17
Asian / Pacific Islander	47
Black	706
White	1790
Hispanic / Latino	1954

Reason for stop?

Violation of law	250
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	58
White	75

Hispanic / Latino	10
Contraband	10
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	3
White	4
Hispanic / Latino	3
Probable	25
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	8
White	4
Hispanic / Latino	13
Inventory	9
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	1
Hispanic / Latino	8
Incident to arrest	39
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	10
White	9
Hispanic / Latino	20

Was Contraband discovered?

Yes	69
Alaska Native / American Indian	0
Asian / Pacific Islander	1
Black	16
White	20
Hispanic / Latino	32
No	60
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	15
White	16
Hispanic / Latino	29

Did the finding result in arrest?

(total should equal previous column)

Yes	0	No	0
Yes	1	No	0
Yes	5	No	11
Yes	7	No	13
Yes	16	No	16

Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	2
Written warning	5744
Alaska Native / American Indian	22
Asian / Pacific Islander	55
Black	882
White	2491
Hispanic / Latino	2294
Citation	1333
Alaska Native / American Indian	3
Asian / Pacific Islander	9
Black	263
White	459
Hispanic / Latino	599
Written warning and arrest	12
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	3
White	4
Hispanic / Latino	5
Citation and arrest	14
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	2
White	5
Hispanic / Latino	7
Arrest	67
Alaska Native / American Indian	0
Asian / Pacific Islander	1
Black	13
White	18
Hispanic / Latino	35
Arrest based on	
Violation of Penal Code	57
Alaska Native / American Indian	0
Asian / Pacific Islander	1



BAY CITY POLICE DEPARTMENT
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Chief of Police
Robert Lister

Captain
Christella Rodriguez

To: Chief Robert Lister *RLH*

From: Lt. Irene Kjergaard *IJK*

Re: 2020 Use of Force Report

Date: January 22, 2021

From January 1, 2020 to December 31, 2020 there were 51 use of force incidents reported. The incidents were calculated by counting each suspect rather than each officer. Meaning if there was one suspect and two officers who used force. It was counted as one incident. If there were two suspects and one officer, it was counted as two incidents.

Of these cases 17 involved multiple officers using force in the same incident. In cases of multiple officers, a majority were felony stops and a few with an FTO and PPO. In other cases, it was highly combative subjects. Of these incidents, 47 resulted in arrest. In two cases, subjects were turned over for mental health treatment. Two cases resulted in death. One was the death of a dog and the other a death of a suspect who fired on officers.

Officers' Use of Force

These calculations came from each use of force report submitted by an officer. Unlike above if there was one suspect and two officers, each officer's use of force type was counted. This will explain the difference in the amount of force types reported verses the number of incidents reported. Also, the highest use of force used by the officer was documented. Meaning if an officer pulled a CEW and a firearm in the same incident, only the firearm was counted.

During these incidents, the officers used the following types of force:

- Soft Empty Hand Control – 15
- Hard Empty Hand Control – 11
- Display of Intermediate Weapon (CEW) – 2
- Use of Intermediate Weapon (CEW) – 6
- Use of Intermediate Weapon (OC) – 1
- Display Deadly Weapon – 38
- Use of Deadly Weapon – 2

Suspect's Use of Force

These calculations came from each use of force submitted by an officer. Once again this means if there was one suspect and two officers, the force used against each officer was counted. This was merely because a suspect may use one type of force on one officer on the scene and another type of force on the secondary officer.

The type of force primarily used against the officers was defensive resistance. This occurred in 36 of the incidents reported. As previously stated, many of these incidents were due to evading detention.

The secondary type of force used against officers was Active Aggression. Primarily when the suspect pushed or kicked the officers. There were two instances when the suspect pulled a firearm on an officer. In one incident the suspect fired at the officer resulting in the suspect's death.

Injury Rate

In all the reported incidents, there were 17 that resulted in injury. The incidents that resulted in injury are as follows:

- There was a total of eight officer injuries reported. Seven of the reported injuries were scratches, scrapes and/or bruises. In one incident an officer injured his ankle.
- There was a total of nine suspects injured. The primary being cuts and abrasions. Three were from marks left from the CEW. Counted in this was the one death.

Complaints and Policy Violations and Response

There was one complaint filed against an officer claiming the use of force was unnecessary. Upon reviewing reports and videos, it was found the officer was justified in the use of force.

There were six policy violations in these incidents. All but one was when the officer either failed to turn on their body camera, turned it on too late, or turned it off before investigation was complete. One incident was an improper use of CEW.

All the violations involving the cameras were handled by verbal or documented counseling. The improper use of CEW was a documented counseling. Proper procedures for using the CEW were reviewed with the officer. In this instance the officer failed to shout, "Taser, taser, taser" before deploying the CEW.

The shift supervisors continue to review each use of force. They look for policy violations, improper use of tools, and/or the officers' professionalism. There were six instances where officers were verbally counselled on their use of profane language. Supervisors continue to review the use of force policy in briefings. The policy is also covered during each training or refresher training involving use of force. Meaning the policy is covered before any firearms training or qualification, any refresher over OC, Taser, ASP baton or hand to hand combat training.

Training Needs

There seems to be a need to review the proper way to complete a use of force report. After a meeting between the Captain and myself, we decided to see how other agencies do use of force reporting. I have received several report forms from other agencies and well as receiving recommendations on software for use of force reporting. Currently, I am looking to make an easier, clearer report form for officers to use. It will have to be reviewed by all of administration prior to presenting it to the officers.

Training Received

In 2020 officers received refresher training in OC, ASP Baton, and Taser. All new employees received a full eight-hour Taser training.

Training Planned

In 2021 we are looking to cover a handcuffing training, less lethal refresher as well as some type of hands on defensive training such as TAC-RAT and SABA training.

Equipment Needs

Two more shields would be beneficial. Lt. Ryman already has the purchase of those in the works for the next budget.

Policy Revisions

There were two policy revisions made. Both were requirements for the Texas Police Chiefs' Association's Best Practices.

The first involved the duty to intervene. Meaning ANY employee of the department has a duty to intervene if they observe another using unnecessary force.

The second was unauthorized use of deadly force. This change in policy states that no officer can use deadly force in situations where the force being used against the officer or another person is not likely to result in serious injury or death.

Both policy revisions were covered the an ICN. Each officer and telecommunicator was required to read and sign off on the policy. It was also covered in briefings.



Chief of Police
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Captain
Christella Rodriguez

To: Chief Robert Lister *RL*

From: Lt. Irene Kjergaard

Date: January 25, 2021

Subject: Annual Fleet Accident Review for 2020

OVERVIEW: From January 1, 2020 to December 31, 2020 there were eight separate incidents involving our fleet. None of the incidents involved injury to an employee. Two of the incidents involved other vehicles. One incident involved the railroad track and one involved an embankment in an off-road incident. Four of the incidents involved animals.

The two incidents involving other vehicles occurred when an officer backed into another vehicle and when an officer was attempting to make a U-turn to head to a call for service. The incident involving the railroad tracks occurred when an officer was heading to the area of a pursuit and went over the tracks too fast. The unit bottomed out crossing the tracks. The incident involving the embankment occurred when the officer was on a call about dirt bikes. The officer drove off road when he thought he heard a dirt bike and he hit the embankment causing damage. Of the four incidents involving animals two involved deer and two involved dogs. Of the incidents involving the deer, one occurred while the officer was off duty en route to their residence. The other occurred while the officer was on regular patrol. The two with the dog occurred while the officers were en route to calls for service.

The incidents involving the animals could not be prevented. The officers tried to maneuver to keep from hitting the animals but were unsuccessful. In the other incidents, officers were talked to about possible ways to prevent the accidents.

Training Received: Officers review department and city policy on vehicle operations, pursuits, and fleet accidents periodically during shift briefings. After each at fault incident above, officers were talked to and ways to prevent these types of incidents were discussed.

Training Needs: Have officers continue to review department policy on vehicle operations, pursuits, and fleet accidents. Officers should be reminded to remain aware of their surroundings and obey all traffic laws. Officers should continue to hold each other accountable if they observe any unsafe acts.

Equipment Needs:

No additional equipment needs are recognized at this time.

Policy Revisions:

None currently.

Irene Kjergaard
Support Services Commander



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Chief of Police
Robert Lister

Captain
Christella Rodriguez

To: Chief Robert Lister *RL*

From: Lt. Irene Kjergaard *IK*

Date: January 25, 2021

Subject: 2020 Accident and Injury Report for Sworn and Non-Sworn Personnel

From January 1, 2020 to December 31, 2020, there were 16 incident reports. Four of those were merely reports for exposure to either COVID-19 or blood. The other twelve were reported injuries.

Seven of the injuries were caused when a suspect resisted arrest. Two injuries occurred during a foot pursuit, two were due to a new employee handling animals at the impound, and in one case the employee fell due to fogged glasses. Employees sought medical treatment in five of these reported injuries.

Below briefly details each employee's injury:

Officers injured due to suspect resisting arrest

- 1 – Officer fell to ground while trying to detain subject causing pain and scratches to officer's knee
- 1 – Officer was hit in the face by a suspect resisting arrest. This caused scratches to the officers face and back pain.
- 1 – An Officer received bruise to forearm when a subject swung at him knocking the Taser out of his hand.
- 1 – Officer was trying to restrain a subject in a hospital bed when the suspect grabbed the officer's hand and twisted it causing injury to officer's wrist.
- 1 - Officer felt pain in his shoulder when a suspect jerked his arm hard.
- 1 - Officer was trying to detain a subject and hit his (officer's) head on a table causing a scratch to his ear.
- 1 – Officer injured while trying to arrest a heavy-set individual. The individual grabbed the officer by the neck causing a lot of pain.

Employee injured by animals at impound

- 1 – A new employee was injured twice by cats at the impound. On one instance the employee was cleaning the cat kennel as she had many times before. The cat then bit the employee on the hand. In the other instance the employee was trying to put a cat in the kennel when a dog barked startling the cat. The cat tried to jump away but the employee was still holding it. The cat bit the employee several times on the hand.

Officers injured during foot pursuit

- 1 – During a foot pursuit the officer reached for the suspect and grabbed him. The suspect was heavy set and fell back onto the officer's ankle causing swelling and pain.
- 1 – During a foot pursuit the officer jumped a chain link fence causing puncture wounds to his hand.

Employee injured from fall

- 1 – Employee was wearing their prescription glasses while wearing required personal protective equipment (mask). The mask caused the employee's glasses to fog and the employee could not see. The employee missed a step and fell causing injury to her wrist.

From January 1, 2020 to December 31, 2020, there were four incidents reported due to employee's exposure to either blood or COVID-19. In the instance where the employee was exposed to blood, it occurred when the employee was performing CPR. The exposures COVID-19 occurred while dealing with the public only to have the individual later say they were positive for COVID-19. One exposure was due to officer's sharing units and one of the officers testing positive for COVID-19.

Training Needs

Officers should continue discussing safety topics during every shift briefing that is conducted for both Sworn and Non-Sworn personnel. Having separate divisional briefings helps pass on safety tips for each person's job assignment. Assigning different employees to present a safety topic also helps provide a variety of topics.

Training Given

During a supervisor's meeting we discussed the need for proper safety topics. Meaning covering Penal Code is not considered a safety topic neither are the words, "be safe." For the new impound employee who was bitten by cats, the impound supervisor sat down and went over proper handling of animals.

Equipment Needs

No additional equipment is needed at this time.

Policy Revisions

The City of Bay City put out requirements for the use of PPE while in city buildings.

Irene Kjergaard
Support Services Commander