

Article 2.132 of the Texas Code of Criminal Procedure requires all law enforcement agencies to collect specific data on all traffic stops. Further, Article 2.132 CCP requires all agencies to have a policy prohibiting racial profiling and to submit the traffic stop data to the State and the local governing body. Finally, law enforcement agencies are required to:

“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.” TXCCP 2.134

This report is submitted to demonstrate the Burnet Police Department is in full compliance with the requirements of the Texas CCP.

Comparative Analysis
2024 Traffic Stop Data
Burnet Police Department

This report details the Burnet Police Department's statistical information on traffic stops for the year 2024. This report is a requirement to comply with Article 2.132, 2.133, and 2.134 of the Texas Code of Criminal Procedure (CCP) regarding the analysis of traffic stop data. Full copies of the applicable laws and supporting documents are contained in this report.

The Burnet Police Department has a specific policy prohibiting racial profiling and providing for disciplinary action if an employee is found engaging in racial profiling. The Burnet Police Department also has a process for making a racial profiling complaint.

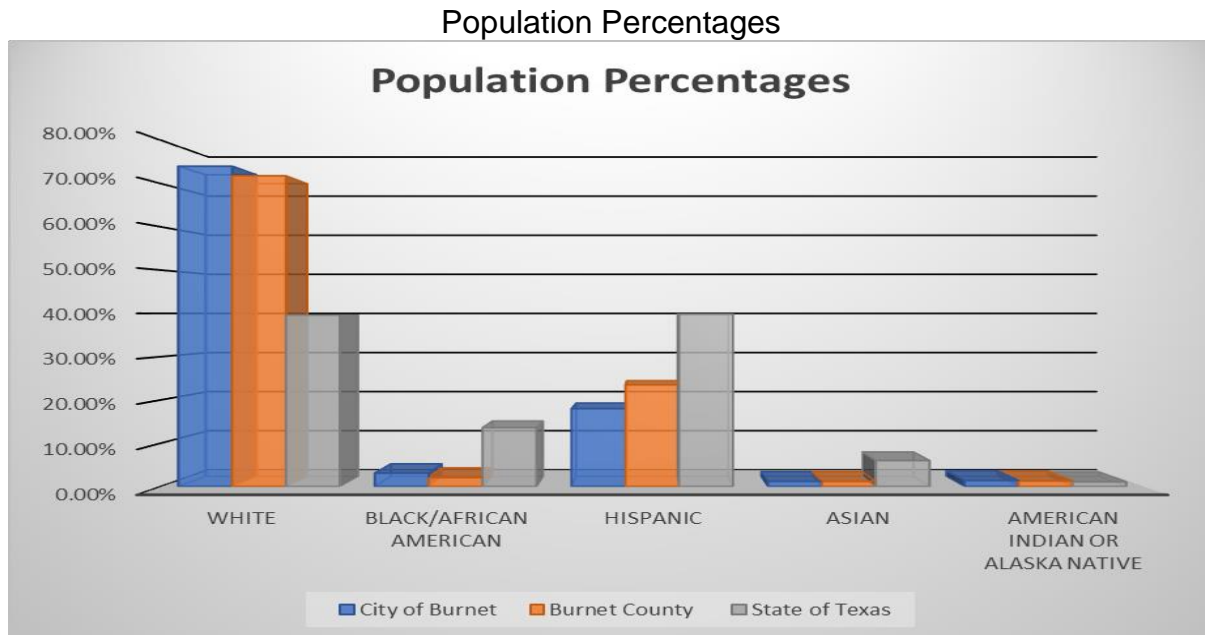
The Burnet Police Department collects all data required by the Code of Criminal Procedure at every traffic stop. The aggregate data and an analysis of the data is provided in the report. The Burnet Police Department switched electronic ticket writing software late in 2024. The demographic data retrieved from the new software may lack some data. We are currently working with Motorola to rectify the issue where several additional stops are being created within the system. The demographic data provided appears to be correct, however there are numerous other stops in the system that are duplicates that may or may not affect the reporting. TCOLE has been advised and recommended filing the report to meet the state mandated date for reporting, we will update this report once the issue is resolved if it affects any of the analysis.

Analysis of the Data

Comparative Analysis: Texas Code of Criminal Procedure Article 2.134(c)(1)(A) requires agencies to:

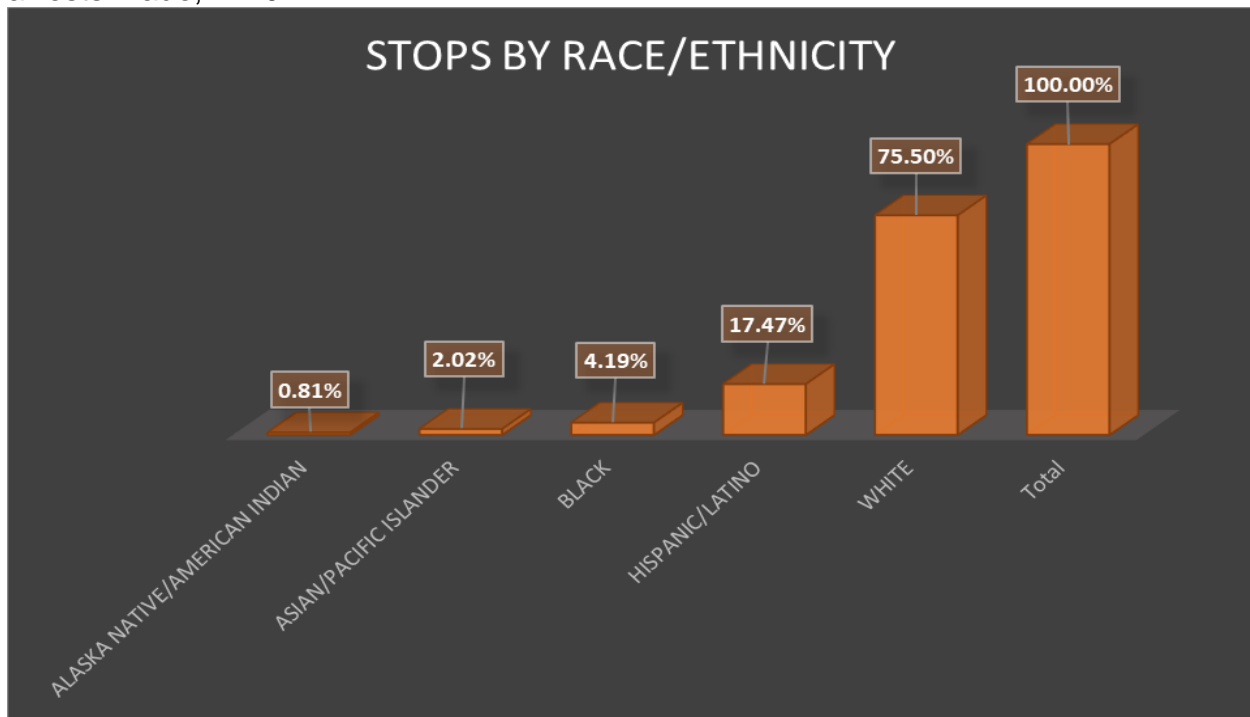
Evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities.

The first chart is a breakdown of the population percentages of our area and the state. It is important to note that many violators who are stopped may not be residents of the city. With the major arterial roads used to travel through Burnet we encounter many drivers who live outside the city. Therefore, a comparison of stops to local demographics only would be inaccurate.



This chart depicts the percentages of people stopped by race/ethnicity among the total 4,945 motor vehicle stops in which a ticket, citation, or warning was issued, including

arrests made, in 2024.



White drivers represented 75.5 percent of all drivers stopped, whereas the white population constitutes 74.0 percent of the city population, 71.8 percent of the county population, and 39.8 percent of the state population.

African American drivers constituted 4.19 percent of all drivers stopped, whereas African Americans represent 3.1 percent of the city population, 2.1 percent of the county population, and 13.6 percent of the state population.

Hispanic drivers constituted 17.5 percent of all drivers stopped, whereas Hispanics constitute 18.0 percent of the city population, 23.5 percent of the county population, and 39.8 percent of the state population.

Asian drivers constituted 2 percent of all drivers stopped, whereas Asians constitute 1.2 percent of the city population, 1.24 percent of the county population, and 6.0 percent of the state population.

Texas Code of Criminal Procedure Article 2.132(c)(1)(B) requires an agency to:
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.

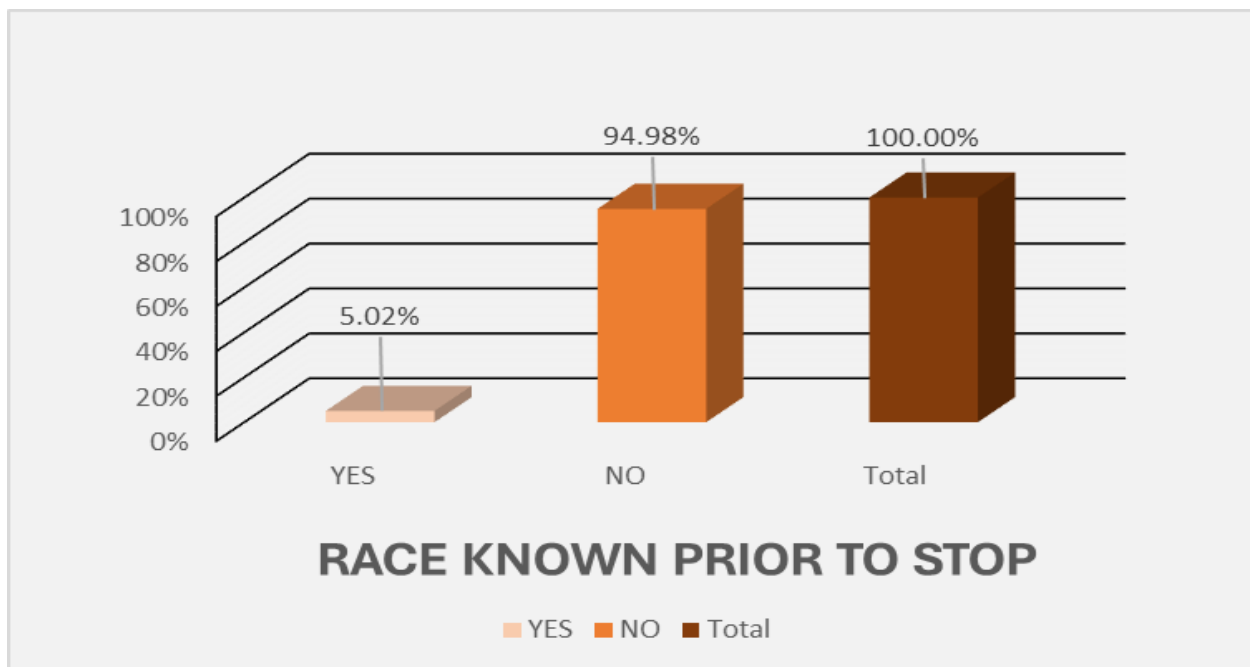
This is a breakdown of searches that resulted from traffic stops of each ethnic group. The percentages identified are specific to those groups' number of stops and searches. 201 searches were done in 2024, including consent, incident to arrest, probable cause, and inventories. 201 searches constitute 4.1% of all stops resulted in a search. Of the

searches that were conducted 73.6 percent were conducted on white drivers, 18.4% were conducted on Hispanic drivers and 6.5 percent was conducted on black drivers. In the searches conducted in 2024, officers discovered contraband was discovered in 50 percent of all searches. Contraband discovered included drugs, alcohol, and weapons. Drugs were in 25 percent of those instances.

TXCCP requires agencies to:

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)

There were 4,939 motor vehicle stops in 2024 in which a citation, or warning was issued. 78 percent of stops resulted in a written warning and 22 percent resulted in a citation. This next chart is critical when analyzing data as it relates to race/ethnicity in traffic stops. Officers are required by the TXCCP to report if they knew of the race or ethnicity of the driver prior to making the decision to stop a vehicle. In Burnet, 94.98% of the stop's officers did not know the race or ethnicity of the driver prior to the stop.



TXCCP requires *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 researching Internal Affairs files for Burnet Police Department there were **no (0)** complaints of racial profiling filed in 2024.


TXCCP Art 2.133(b)(9)(c) requires:

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.

Burnet Police switched to Motorola e-cites mid-year and can collect stop data without a written warning. This is a change from previous years when we could not collect demographic data without a written warning. This requirement enables us to collect appropriate data to report on all stops regardless of written warning or citation. Supervisors are required to audit performance by policy.

Supervisors will randomly review at least three videos per officer (either body camera and/or in-car camera video) per quarter, reviewing the footage is intended to gain an understanding of that officer's performance and adherence to policy. Supervisors will document the random review of the video in their daily supervisory notes and any violations of policy or law will be addressed using existing internal affairs policy.

APPENDIX A Burnet Police Dept Policy

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|---|--|-----------------------------------|
|  | BURNET POLICE DEPARTMENT | |
| | Policy 100-09 Bias Based Policing | |
| | Effective Date: 7/1/2024 | Replaces: Previous Version |
| | Approved: <u>Brian Lee</u> Chief of Police | |

I POLICY

We are committed to a respect for constitutional rights in the performance of our duties. Our success is based on the respect we give to our communities, and the respect members of the community observe toward law enforcement. To this end, we

shall exercise our sworn duties, responsibilities, and obligations in a manner that does not discriminate based on race, sex, gender, sexual orientation, national origin, ethnicity, age, or religion. Respect for diversity and equitable enforcement of the law are essential to our mission.

All enforcement actions shall be based on the standards of reasonable suspicion or probable cause as required by the Fourth Amendment to the U. S. Constitution and by statutory authority. In all enforcement decisions, officers shall be able to articulate specific facts, circumstances, and conclusions that support probable cause or reasonable suspicion for arrests, searches, seizures, and stops of individuals. Officers shall not stop, detain, arrest, search, or attempt to search anyone based solely upon the person's race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group.

II PURPOSE

The purpose of this order is to inform officers that bias-based policing is prohibited by the department. Additionally, this order will assist officers in identifying key contexts in which bias may influence these actions and emphasize the importance of the constitutional guidelines within which we operate.

III DEFINITIONS

- A Most of the following terms appear in this policy statement. In any case, these terms appear in the larger public discourse about alleged biased enforcement behavior and in other orders.

These definitions are intended to facilitate on-going discussion and analysis of our enforcement practices.

- 1 Bias: Prejudice or partiality based on preconceived ideas, a person's upbringing, culture, experience, or education.
- 2 Biased-based policing: Stopping, detaining, searching, or attempting to search, or using force against a person based upon his or her race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group. Ethnicity: A cluster of characteristics that may include race but also cultural characteristics or traits that are shared by a group with a common experience or history.
- 3 Probable cause: Specific facts and circumstances within an officer's knowledge that would lead a reasonable officer to believe that a specific offense has been or is being committed, and that the suspect has committed it.
- 4 Race: A category of people of a particular decent, including Caucasian, African, Hispanic, Asian, Middle Eastern, or Native American descent. As distinct from ethnicity, race refers only to physical characteristics sufficiently distinctive to group people under a classification.

- 5 Racial profiling: A law-enforcement initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity.
- 6 Reasonable suspicion: Specific facts and circumstances that would lead a reasonable officer to believe criminal activity is afoot and the person to be detained is somehow involved.
- 7 Sex: A biological classification, male, or female, based on physical and genetic characteristics.
- 8 Stop: An investigative detention of a person for a brief period, based on reasonable suspicion.

IV PROCEDURES

A General responsibilities

- 1 Officers are prohibited from engaging in bias-based profiling or stopping, detaining, searching, arresting, or taking any enforcement action including seizure or forfeiture activities, against any person based solely on the person's race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group. These characteristics, however, may form part of reasonable suspicion or probable cause when officers are seeking a suspect with one or more of these attributes.
- 2 Investigative detentions, traffic stops, arrests, searches, and property seizures by officers will be based on a standard of reasonable suspicion or probable cause in accordance with the Fourth Amendment of the U.S. Constitution. Officers must be able to articulate specific facts and circumstances that support reasonable suspicion or probable cause for investigative detentions, traffic stops, subject stops, arrests, nonconsensual searches, and property seizures. Except as provided in number 3 below, officers shall not consider race/ethnicity in establishing either reasonable suspicion or probable cause. Similarly, except as provided below, officers shall not consider race/ethnicity in deciding to initiate even those nonconsensual encounters that do not amount to legal detentions or to request consent to search.
- 3 Officers may consider the reported race or ethnicity of a specific suspect or suspects based on relevant information that links a person or persons of a specific race/ethnicity to a particular unlawful incident(s). Individuals shall be subjected to stops, seizures, or detentions only upon reasonable suspicion that they have committed, are committing, or are about to commit an offense. Officers

shall document the elements of reasonable suspicion and probable cause in appropriate reports.

- 4 Officers shall observe all constitutional safeguards and shall respect the constitutional rights of all persons.
- 5 All personnel shall treat everyone with the same courtesy and respect that they would have others observe to department personnel. To this end, personnel are reminded that the exercise of courtesy and respect generates a future willingness to cooperate with law enforcement.
- 6 When feasible, all personnel shall identify themselves by name. When a person requests the information, personnel shall give their departmental identification number, name of the immediate supervisor, or any other reasonable information.
- 7 All personnel are accountable for their actions. Personnel shall justify their actions when required.

B Supervisory responsibilities

- 1 Supervisors shall be held accountable for the observance of constitutional safeguards during the performance of their duties and those of their subordinates. Supervisors shall identify and correct instances of bias in the work of their subordinates.
- 2 Supervisors shall facilitate the filing of any complaints about law enforcement service.
- 3 Supervisors will randomly review at least three videos per officer (either body camera and/or in-car camera video) per quarter, reviewing the footage is intended to gain an understanding of that officer's performance and adherence to policy. Supervisors will document the random review of the video in Guardian Tracker and any violations of policy or law will be addressed using existing internal affairs policy.
- 4 This policy applies only to first-line uniformed officers and their immediate supervisors. In the absence of a first-line supervisor this responsibility will move to the patrol captain.

C Disciplinary consequences

- 1 Actions prohibited by this order shall be cause for disciplinary action, up to and including dismissal.

D Training

- 1 Officers shall complete all training required by state law

regarding bias- based profiling.

V COMPLAINTS

- A The department's complaint process will be posted on the department's website and printed on the back of citations. The information shall include the email, physical address, and telephone contact information for making a complaint against an employee. Whenever possible, the media will be used to inform the public of the department's policy and complaint process.
- B Complaints alleging incidents of bias-based profiling will be fully investigated as described under policy.
- C All complaints will be logged into the Internal Affairs data base in appropriate software suite.

VI RECORD KEEPING

- A The department will maintain all required records on traffic stops where a citation or warning is issued or where an arrest is made.
- B The information collected above will be reported to the city council as required by law.
- C The information will also be reported to TCOLE in the required format.

Appendix B: Racial Profiling Laws

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.

