

# WYLIE POLICE DEPARTMENT

2022

## 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 Wylie Police Department revealed the following:

- **A COMPREHENSIVE REVIEW OF THE WYLIE POLICE DEPARTMENT REGULATIONS, SPECIFICALLY POLICY 614 OUTLINING THE DEPARTMENT’S POLICY CONCERNING UNBIASED POLICING, SHOWS THAT THE WYLIE 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 WYLIE 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 WYLIE POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW CONCERNING THE REPORTING OF INFORMATION TO TCOLE.**
- **THE WYLIE 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 Wylie Police Department's policies, training, and statistical information on racial profiling for the year 2022. 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 Wylie Police Department in 2022. The full copies of the applicable laws pertaining to this report are contained in Appendix A.

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

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

A review of Wylie Police Department Policy 614 "Unbiased Policing" 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 Policy 614. Wylie Police Department regulations provide clear direction that any form of bias-based policing is prohibited and that officers found engaging in inappropriate profiling may be disciplined up to and including termination. The regulations also provide a very clear statement of the agency's philosophy regarding equal treatment of all persons regardless of race or ethnicity. Appendix C lists the applicable statute and corresponding Wylie Police Department regulation.

***A COMPREHENSIVE REVIEW OF WYLIE POLICE DEPARTMENT POLICY 614 SHOWS THAT THE WYLIE POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH ARTICLE 2.132 OF THE TEXAS CODE OF CRIMINAL PROCEDURE.***

## **Wylie 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 Wylie Police Department reveals that all officers have received bias-based/racial profiling training.

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

## **Wylie 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. Wylie Police Department Policy 614 Section V and VI cover this requirement. The department also has information on how to file a complaint on their website ([https://www.wylietexas.gov/about\\_us/divisions\\_and\\_units/professional\\_standards.php](https://www.wylietexas.gov/about_us/divisions_and_units/professional_standards.php)).

***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.***

## **Wylie 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. Wylie Police Department submitted statistical information on all motor vehicle stops in 2022 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:

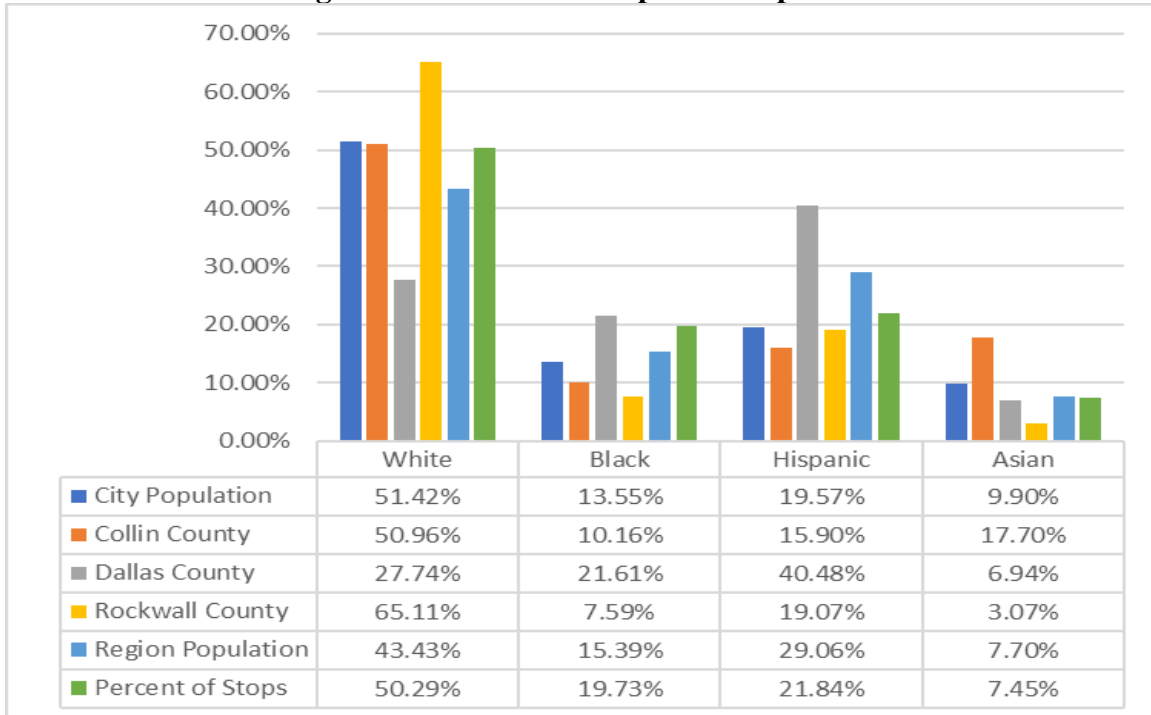
*Evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities. Texas Code of Criminal Procedure Article 2.134(c)(1)(A)*

The first chart depicts the percentages of people stopped by race/ethnicity among the total 9,846 motor vehicle stops in which a ticket, citation, or warning was issued, including arrests made, in 2022.<sup>1</sup>

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<sup>1</sup> There were 67 motor vehicle stops of drivers considered Alaska Native/American Indian. These motor vehicle stops were not charted in the first figure of this report due to the small number of stops relative to the population of the City of Wylie and relative to the total number of motor vehicle stops among all drivers (9,846).

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



*White drivers* constituted 50.29 percent of all drivers stopped, whereas Whites constitute 51.42 percent of the city population, 50.96 percent of the Collin county population, 27.74 percent of the Dallas county population, 65.11 percent of the Rockwall county population, and 43.43 percent of the region population.<sup>2</sup>

*Black drivers* constituted 19.73 percent of all drivers stopped, whereas Blacks constitute 13.55 percent of the city population, 10.16 percent of the Collin county population, 21.61 percent of the Dallas county population, 7.59 percent of the Rockwall county population, and 15.39 percent of the region population.

*Hispanic drivers* constituted 21.84 percent of all drivers stopped, whereas Hispanics constitute 19.57 percent of the city population, 15.90 percent of the Collin county population, 40.48 percent of the Dallas county population, 19.07 percent of the Rockwall county population, and 29.06 percent of the region population.

*Asian drivers* constituted 7.45 percent of all drivers stopped, whereas Asians constitute 9.90 percent of the city population, 17.70 percent of the Collin county population, 6.94 percent of the Dallas county population, 3.07 percent of the Rockwall county population, and 7.70 percent of the region population.

<sup>2</sup> City and County and Regional populations were derived from 2020 Decennial Census Redistricting Data (DEC) of the U.S. Census Bureau. Region is defined as the 16 county Dallas-Ft. Worth Area including the following counties: Collin, Dallas, Denton, Ellis, Erath, Hood, Hunt, Johnson, Kaufman, Navarro, Palo Pinto, Parker, Rockwall, Somervell, Tarrant, and Wise. City and County populations by gender noted later in this report are based on 2019 American Community Survey estimates.

The chart shows that White drivers are stopped at rates almost equal to the percentage of Whites found in the city and Collin county population, lower than the percentage of Whites found in the Rockwall county population, and higher than the percentage of Whites in the Dallas county and regional population. Black drivers are stopped at rates higher than the percentage of Blacks found in the city, Collin county, Rockwall county, and regional population, but lower than the percentage of Blacks in the Dallas county population. Hispanic drivers are stopped at rates higher than the percentage of Hispanics found in the city, Collin county and Rockwall county population, but lower than the percentage of Hispanics in the Dallas county and regional populations. Asian drivers are stopped at rates almost equal to the percentage of Asians found in the Dallas county and regional population, lower than the percentage of Asians found in the city and Collin county population, and higher than the percentage of Asians in the Rockwall 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, may be inaccurate, and may not keep pace with changes experienced in city and county and regional 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, county, or region where the motor vehicle stop occurred are not included in the benchmark base-rate.

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

As illustrated in Table 3 near the end of this report, of the 9,846 motor vehicle stops in 2022, the officer knew the race/ethnicity of the motorist prior to the stop in 5.07% of the stops (499/9,846). 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, Wylie 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 Wylie Police Department in 2022. 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 9,846 motor vehicle stops in 2022 in which a ticket, citation, or warning was issued. The table also shows arrests made as a result of those stops. Roughly 76 percent of stops resulted in a verbal warning (7,478/9,846) and roughly 12 percent resulted in a citation. These actions accounted for roughly 88 percent of all stop actions and will be discussed in greater detail below.

Specific to **verbal warnings**, White motorists received a verbal warning in roughly 76 percent of stops involving White motorists (3,763/4,952), Black motorists received a verbal warning in roughly 78 percent of stops of Black motorists, Hispanic motorists received a verbal warning in roughly 73 percent of stops of Hispanic motorists, and Asian motorists received a verbal warning in roughly 79 percent of stops of Asian motorists.

Specific to **citations**, White motorists received a citation in roughly 12 percent of stops involving White motorists (600/4,952), Black motorists received a citation in roughly 10 percent of stops of Black motorists, Hispanic motorists received a citation in roughly 14 percent of stops of Hispanic motorists, and Asian motorists received a citation in roughly 13 percent of stops of Asian motorists.

Of the 9,846 total stops in 2022, 271 **arrests** [written warning and arrest (4), citation and arrest (13) and arrest only (254)] were made, and this accounts for 2.8 percent of all stops. White motorists were arrested in 2.3 percent of stops involving White motorists (115/4,952), Black motorists were arrested in 2.7 percent of stops involving Black motorists, Hispanic motorists were arrested in 4.4 percent of stops involving Hispanic motorists, and Asian motorists were arrested in 1.0 percent of stops involving Asian motorists.



As illustrated in Table 1, most arrests were based on a **violation of the penal code** (57.6%; 156/271) or an **outstanding warrant** (33.6%; 91/271).

Finally, as presented in Table 1, **physical force resulting in bodily injury** occurred once in 2022. Of the 9,846 total stops, one involved physical force resulting in bodily injury. In this instance, the suspect was injured.

**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	4,952	1,943	2,150	734	67	9,846
Gender						
Female	1,839	640	570	231	21	3,301
Male	3,113	1,303	1,580	503	46	6,545
Reason for Stop						
Violation of Law	97	38	52	14	0	201
Preexisting Knowledge	51	34	64	5	0	154
Moving Traffic Violation	3,495	1,282	1,394	537	43	6,751
Vehicle Traffic Violation	1,309	589	640	178	24	2,740
Result of Stop						
Verbal Warning	3,763	1,516	1,571	577	51	7,478
Written Warning	474	173	184	51	3	885
Citation	600	201	300	99	12	1,212
Written Warning and Arrest	0	1	2	1	0	4
Citation and Arrest	2	3	7	0	1	13
Arrest	113	49	86	6	0	254
Arrest Based On						
Violation of Penal Code	64	27	60	4	1	156
Violation of Traffic Law	8	3	11	2	0	24
Violation of City Ordinance	0	0	0	0	0	0
Outstanding Warrant	43	23	24	1	0	91
Physical Force Resulting in Bodily Injury Used?						
No	4,952	1,942	2,150	734	67	9,845
Yes	0	1	0	0	0	1

### 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 2022, a total of 563 **searches** of motorists were conducted, or 5.7 percent of all stops resulted in a search (563/9,846). Among searches within each racial/ethnic group, White motorists were searched in 4.9 percent of all stops of White motorists (241/4,952), Black motorists were searched in 7.4 percent of all stops of Black motorists, Hispanic motorists were searched in 7.8 percent of all stops of Hispanic motorists, and Asian motorists were searched in 1.5 percent of all stops of Asian motorists.

As illustrated in Table 2, the most common reason for a search was probable cause (45.3%; 255/563). Among **probable cause searches** within each racial/ethnic group, White motorists were searched based on probable cause in roughly 43 percent of all searches of White motorists (103/241), Black motorists were searched based on probable cause in roughly 59 percent of all searches of Black motorists, Hispanic motorists were searched based on probable cause in roughly 39 percent of all searches of Hispanic motorists, and Asian motorists were searched based on probable cause in roughly 27 percent of all searches of Asian motorists.

Regarding searches, it should be further noted that 150 searches (see Table 2) were based on consent, which are regarded as discretionary as opposed to non-discretionary searches. Relative to the total number of stops (9,846), discretionary consent searches occurred in 1.52 percent of stops.

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 (69/241), Black motorists were searched based on consent in roughly 27 percent of all searches of Black motorists, Hispanic motorists were searched based on consent in roughly 24 percent of all searches of Hispanic motorists, and Asian motorists were searched based on consent in roughly 27 percent of all searches of Asian motorists.

Of the searches that occurred in 2022, and as shown in Table 2, contraband was discovered in 380 or roughly 67 percent of all searches (380/563 total searches). Among the searches in which contraband was discovered, roughly 76 percent of the time the contraband discovered was drugs (290/380). Finally, as illustrated in Table 2, when contraband was discovered, motorists were arrested 35 percent of the time (133/380).

**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	241	143	168	11	0	563
No	4,711	1,800	1,982	723	67	9,283
<b>Reason for Search</b>						
Consent	69	38	40	3	0	150
Contraband in Plain View	17	8	28	0	0	53
Probable Cause	103	84	65	3	0	255
Inventory	23	9	21	3	0	56
Incident to Arrest	29	4	14	2	0	49
<b>Was Contraband Discovered</b>						
Yes	159	100	117	4	0	380
No	82	43	51	7	0	183
<b>Description of Contraband</b>						
Drugs	116	85	85	4	0	290
Weapons	6	4	0	0	0	10
Currency	0	0	0	0	0	0
Alcohol	12	3	18	0	0	33
Stolen Property	2	0	1	0	0	3
Other	23	8	13	0	0	44
<b>Did Discovery of Contraband Result in Arrest?</b>						
Yes	58	27	48	0	0	133
No	101	73	69	4	0	247

**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 2022, internal records indicate that the Wylie Police Department received 2 complaints alleging that a peace officer employed by the agency engaged in racial profiling. Upon internal investigation, the complaints did not result in disciplinary action.

#### 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 2022, 9,846 motor vehicle stops were made by the Wylie Police Department. Of these stops, 3,301 or roughly 34 percent were female drivers (3,301/9,846), and roughly 66 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 Wylie was composed of 51.8 percent females and 48.2 percent males. County population 2019 ACS estimates indicate that females accounted for 50.7 percent of the Collin County population, 50.7 percent of the Dallas County population, and 50.6 percent of the Rockwall County population. Males accounted for 49.3 percent of the Collin County population, 49.3 percent of the Dallas County population, and 49.4 percent of the Rockwall County population.

Overall, in 2022, males were stopped at rates higher than their proportion of the city and county populations.

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

Table 3 provides additional information relative to motor vehicle stops in 2022 by the Wylie Police Department. The data are required to be collected by the Wylie Police Department under the Texas Code of Criminal Procedure Article 2.133.

As previously noted, the Wylie Police Department received 2 complaints alleging that a peace officer employed by the agency engaged in racial profiling in 2022. Upon internal investigation, the complaints did not result in disciplinary action. Furthermore, as previously discussed, of the 9,846 motor vehicle stops in 2022, the officer knew the race/ethnicity of the motorist prior to the stop in 5.07% of the stops (499/9,846).

**Table 3: Additional Information**

Additional Information	Total
<b>Was Race/Ethnicity Known Prior to Stop</b>	
Yes	499
No	9,347
<b>Approximate Location of Stop</b>	
City Street	7,133
US Highway	214
County Road	71
State Highway	2,382
Private Property/Other	46
<b>Number of Complaints of Racial Profiling</b>	<b>2</b>
Resulted in Disciplinary Action	0
Did Not Result in Disciplinary Action	2

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

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

In addition to providing summary reports and analysis of the data collected by the Wylie Police Department in 2022, 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 Wylie Police Department as well as police agencies across Texas.

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

## **Texas Racial Profiling Statutes**

### **Art. 3.05. RACIAL PROFILING.**

In this code, "racial profiling" means a law enforcement-initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity.

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

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

A peace officer may not engage in racial profiling.

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

### **Art. 2.132. LAW ENFORCEMENT POLICY ON RACIAL PROFILING.**

(a) In this article:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(E) the location of the stop; and

(F) the reason for the stop; and

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

(A) the Texas Commission on Law Enforcement; and

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

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



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

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

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

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

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

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

Amended by:

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

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

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

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

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

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

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

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

(A) the person's gender; and

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

(2) the initial reason for the stop;

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

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

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

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

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

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

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

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

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

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

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

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

Amended by:

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

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

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

(a) In this article:

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

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

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

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

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

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

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

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

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

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

(d) A report required under Subsection (b) may not include identifying information about a peace officer who makes a motor vehicle stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the reporting of information required under Article 2.133(b)(1).

(e) The Texas Commission on Law Enforcement, in accordance with Section 1701.162, Occupations Code, shall develop guidelines for compiling and reporting information as required by this article.

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

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

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

Amended by:

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

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

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

#### **Art. 2.136. LIABILITY.**

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

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

**Art. 2.137. PROVISION OF FUNDING OR EQUIPMENT.**

(a) The Department of Public Safety shall adopt rules for providing funds or video and audio equipment to law enforcement agencies for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras, including specifying criteria to prioritize funding or equipment provided to law enforcement agencies. The criteria may include consideration of tax effort, financial hardship, available revenue, and budget surpluses. The criteria must give priority to:

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

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

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

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

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

Amended by:

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

**Art. 2.138. RULES.**

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

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

**Art. 2.1385. CIVIL PENALTY.**

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

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




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

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

Amended by:

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

## **Appendix B: Agency Policy**

	Wylie Police Department Policies & Procedures			
	Distribution: Sworn Personnel, Records, Detention Staff			
	Effective: 01/01/2010	TBP: 2.01	Page 1 of 4	
	Revised: 04/22/2022			
	Reviewed: 04/22/2022			
	Policy Number: 614	Unbiased Policing		
				

## I. POLICY

It is the policy of this department to police in a proactive manner and to aggressively investigate suspected violations of the law. Officers shall actively enforce state and federal laws in a responsible and professional manner, without regard to race ethnicity or national origin. Officers are strictly prohibited from engaging in biased policing both in enforcement of the law and the delivery of police services, as defined in this policy. This policy shall be applicable to all persons, whether drivers, passengers or pedestrians. Officers shall conduct themselves in a dignified and respectful manner at all times when dealing with the public. Two of the fundamental rights guaranteed by both the United States and Texas Constitutions are equal protection under the law and freedom from unreasonable searches and seizures by government agents. The right of all persons to be treated equally and to be free from unreasonable searches and seizures must be respected. This policy shall not preclude officers from offering assistance, such as upon observing a substance leaking from a vehicle, a flat tire, or someone who appears to be ill, lost or confused. Nor does this policy prohibit stopping someone suspected of a crime based upon observed actions and/or information received about the person.




## II. PURPOSE

The purpose of this policy is to reaffirm the Wylie Police Department's commitment to unbiased policing in all its encounters between officers and members of the public; to reinforce procedures ensuring public confidence and mutual trust through the provision of services in a fair and equitable fashion; and to protect our officers from unwarranted accusations of misconduct when they act within the dictates of department policy and the law.

## III. DEFINITIONS

- A. **Biased Policing:** Discrimination while performing law enforcement duties or delivery of police services, based on personal prejudices or partiality of officers toward classes of individuals or persons based on individual demographics.
- B. **Fair and Impartial Treatment:** A belief and practice that all persons shall be treated in the same manner under the same or similar circumstances, despite race or other distinctions. This does not mean that all persons in the same or similar circumstances can or must be treated identically. Reasonable concessions and accommodations may be made, when dealing with individuals with physical or mental disabilities, injury, illness, or similar conditions, or when information about them necessitates different treatment.
- C. **Individual Demographics:** Personal characteristics, to include, but not limited to race, ethnic background, national origin, gender, gender identity, sexual orientation, religion, socioeconomic status, age, disability, cultural group, or political status, or any other identifiable group.
- D. **Race or ethnicity:** Is defined by Chapter 2 of the Texas Code of Criminal Procedures as, Alaskan native or American Indian, Asian or Pacific Islander, Black, White, and Hispanic or Latino.
- E. **Police Services:** Actions and activities that may not directly include enforcement of the law but that contribute to the overall well-being and safety of the public. These may include, but are not limited to, such tasks as traffic accidents, medical emergencies, and assistance at fire scenes; lifesaving services; preventive patrol; crime prevention; public information; traffic control; and similar activities.



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- F. **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. TRAINING

- A. Officers are responsible to adhere to all Texas Commission on Law Enforcement (TCOLE) training and the Law Enforcement Management Institute of Texas (LEMIT) requirements as mandated by law.
- B. All officers shall complete TCOLE training and education program on racial profiling not later than the second anniversary of the date the officer is licensed under Chapter 1701 of the Texas Occupations Code or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier.
- C. All employees will receive basic and periodic in-service training and, where deemed necessary, remedial training on subjects related to police ethics, cultural diversity, multiculturalism, human relations, police-citizen interaction, standards of conduct, implicit bias, and related topics suitable for preventing incidents of biased policing.

#### V. COMPLAINT INVESTIGATION

- A. The department shall accept complaints from any person who believes he or she has been stopped or searched based on individual demographics.
- B. No person shall be discouraged, intimidated or coerced from filing a complaint, nor discriminated against because he or she filed such a complaint.
- C. Any person who receives an allegation of biased policing, including the officer who initiated the stop, shall record the person's name, address and telephone number, and forward the complaint through the appropriate channels or direct the individual(s) on the process to do so. Any employee contacted shall provide to that person instructions on the complaint process and will report any allegation of biased policing to their superior before the end of shift.
- D. Investigation of a complaint shall be conducted in a thorough and timely manner. All complaints will be acknowledged in writing to the initiator who will receive disposition regarding said complaint within a reasonable time period. The investigation shall be documented in writing and any reviewer's comments or conclusions shall be filed with the Chief. When applicable, findings and or suggestions for disciplinary action, retraining or changes in policy shall be filed with the Chief.
- E. If a biased policing complaint is sustained against an officer, it will result in appropriate corrective and/or disciplinary action, up to and including termination.
- F. If there is a department video or audio recording of the events upon which a complaint of biased policing is based, upon commencement of an investigation by this department into the complaint and written request by the officer made the subject of the complaint, this department shall promptly provide a copy of the recording to that officer.
- G. The Professional Standards office shall maintain data related specifically to complaints of biased policing. Information shall be provided to the Chief or to his or her designee, in a manner most

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suitable for administrative review, problem identification, and development of appropriate corrective actions.

## VI. PUBLIC EDUCATION

- A. This department will inform the public of its policy against biased policing and the complaint process. Methods that may be utilized to inform the public are the news media, radio, service or civic presentations, the internet, as well as governing board meetings. Additionally, information will be made available as appropriate in languages other than English.

## VII. DATA COLLECTION AND REPORTING

- A. An officer is required to collect information relating to motor vehicle stops regardless of whether the stop results in a verbal warning, a written warning, a citation being issued or an arrest. The following information shall be collected:
  1. The person's gender; and
  2. The race or ethnicity of the individual detained; 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;
  3. The initial reason for the stop;
  4. Whether a search was conducted as a result of the stop;
  5. If a search was conducted, whether the person detained consented to the search;
  6. The reason for the search, including any probable cause or reasonable suspicion that existed to perform the search;
  7. Whether contraband or other evidence was found in plain view;
  8. Whether the search was a result of the towing of the motor vehicle or the arrest of any person in the motor vehicle;
  9. If an arrest occurred, was the arrest based on a violation of the Penal Code, traffic law, ordinance, or outstanding warrant;
  10. Whether the person contacted is a resident or non-resident of the City of Wylie;
  11. The street address or approximate location of the stop;
  12. Whether the officer used physical force that resulted in bodily injury (as defined by section 1.07, Penal Code);
  13. Whether the peace officer knew the race or ethnicity of the individual detained before detaining the individual; and,
  14. Whether the peace officer issued a verbal or written warning or a citation as a result of the stop.
- B. The information collected shall be compiled in an annual report covering the period of January 1 through December 31 of each year, and shall be submitted to the governing body of the City of Wylie no later than March 1 of the following year. The report will include:
  1. A breakdown of motor vehicle stops by race or ethnicity;

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2. Number of motor vehicle stops that resulted in a search broken down by race or ethnicity;
  3. Number of searches that were consensual;
  4. Number of citations or warnings that resulted in custodial arrest for this cited violation or any other violation; and
  5. The number of biased policing complaints to the department.
- C. The annual report shall not include identifying information about any individual stopped or arrested, and shall not include identifying information about any peace officer involved in a stop or arrest.

#### VIII. USE OF VIDEO AND AUDIO EQUIPMENT

- A. All marked motor vehicles regularly used by this department to make motor vehicle stops shall be equipped with a video camera and transmitter-activated equipment.
- B. 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, shall be recorded.
- C. This department shall retain the video and audio tapes, or digital video and audio recording of each motor vehicle stop for at least ninety (90) days after the date of the stop. If a complaint is filed with this department alleging that one of our officers has engaged in biased policing with respect to a motor vehicle stop, this department shall retain the video and audio tapes or digital video and audio recordings of the stop until final disposition of the complaint.
- D. Supervisors will ensure officers of this department are recording their motor vehicle stops. Two recordings of each officer will be reviewed at least once every ninety (90) days. These reviews will be documented. This review includes body-worn cameras as well as in-car cameras.
  1. If the equipment used to record audio and video of a motor vehicle stop is malfunctioning or otherwise not operable, officers will drive a vehicle with operable equipment. Police units with malfunctioning or inoperable mobile video camera equipment shall not be utilized, under normal circumstances.
  2. Supervisors shall have the authority to assign units with malfunctioning or inoperable mobile video equipment when situations dictate.

## Appendix C: Racial Profiling Laws and Corresponding Agency Policy

<b>Texas CCP Article</b>	<b>WYLIE POLICE DEPARTMENT Policy 614 Unbiased Policing</b>
2.132(b)1	Definitions Section
2.132(b)2	Policy Section
2.132(b)3	Complaint Investigation Section
2.132(b)4	Public Education Section
2.132(b)5	Complaint Investigation Section
2.132(b)6	Data Collection and Reporting Section
2.132(b)7	Data Collection and Reporting Section