

TEXAS COMMISSION ON LAW ENFORCEMENT

What does it mean when an Agency Reports as Racial Profiling-Tier 1-Partially Exempt?

Each agency must select the racial profiling reporting option that applies to their particular situation.

When an agency chooses to report as **Partial Exemption** or **Tier 1** Reporting under [Texas Code of Criminal Procedure §2.135](#), the agency is stating that it routinely performs traffic stops or motor vehicle stops, and that the vehicles that routinely perform these stops are equipped with video and audio equipment. The agency must maintain videos for 90 days after the stop, or if a complaint is received, until the disposition of the complaint. An agency that has requested, and has not received, funds to install the recording equipment may also file under partial exemption in accordance with §2.135(a)(2).

The data collected for **Tier 1** (Partial Exemption) reports must include:

- the number of motor vehicle stops,
- the number of types of race or ethnicity of the person(s) who were stopped was,
- the number of stops that the race or ethnicity was known prior to the stop.
- the number of stops in which a search was conducted
- number of searches that consent was received prior to search.

The Chief Administrator of the agency must also certify that they have adopted a detailed written policy on racial profiling. Under Code of [Criminal Procedure §2.132\(b\)](#), every law enforcement agency is required to have a racial profiling policy, which 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 complaint process;
- (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 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; and
 - (C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; 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.