



TOWN OF TROPHY CLUB

1 Trophy Wood Drive
Trophy Club, Texas 76262

MEETING AGENDA

TOWN COUNCIL

February 26, 2024

7:00 PM

Council Chambers

CALL TO ORDER AND ANNOUNCE A QUORUM

INVOCATION led by Rev. Bill Eason, Fellowship United Methodist Church

NATIONAL ANTHEM AND PLEDGES

National Anthem - Byron Nelson High School Choir

Pledge of Allegiance to the American Flag

Pledge of Allegiance to the Texas Flag

PUBLIC COMMENT(S)

This is an opportunity for citizens to address the Council on any matter pursuant to Texas Government Code Sec. 551.007. The Council is not permitted to discuss or take action on any presentations made concerning matters that are not listed on the agenda.

Presentations are limited to matters over which the Council has authority. Speakers have up to four (4) minutes or the time limit determined by the Presiding Officer. Each speaker must have submitted their request to speak by completing the Speaker's Form or may email mayorandcouncil@trophyclub.org

COMMUNITY SPOTLIGHT

1. Working for You... Trophy Club
 - a) Update from Town Council Members
 - b) Update from Town Manager (Brandon Wright, Town Manager)
 - c) Quick Civic Tip (Dean Roggia, Town Attorney)

CONSENT AGENDA

This part of the agenda consists of non-controversial or "housekeeping" items required by law. Items may be removed from Consent by any council member by making such request prior to a motion and vote.

2. Consider approval of the February 12, 2024, Town Council Work Session and Regular Meeting Minutes. (Tammy Dixon, Town Secretary)

3. Consider authorizing the Town Manager to negotiate and execute an Interlocal Agreement with the City of Southlake, Texas for use of the Southlake Police Department firing range. (Patrick Arata, Police Chief)
4. Consider authorizing the Town Manager to negotiate and execute an agreement with Fort Worth Cleaning Services for janitorial services for Trophy Club Town Hall, Police Department, and Fire Station in an annual amount of \$43,200 including three one-year renewal options. (Matt Cox, Community Development Director)
5. Consider authorizing the Town Manager to negotiate and execute a contract with EnTech Displays for the rebuild of the purchase and installation of outdoor LED message boards at the median of the intersection of Trophy Club Dr and TX 114 frontage road, in front of First Financial Bank, in the not-to-exceed amount of \$32,000. (Matt Cox, Community Development Director)

INDIVIDUAL ITEMS

6. Consider accepting the Trophy Club Police Department's 2023 Racial Profiling Report. (Patrick Arata, Police Chief)

ADJOURN

The Town Council may convene into executive session to discuss posted items as allowed by Texas Government Code Sections 551.071 through 551.076 and Section 551.087.

CERTIFICATION

I do hereby certify that the Notice of Meeting was posted on the bulletin board at the Town Hall for the Town of Trophy Club, Texas, in a place convenient and readily accessible to the general public at all times on the following date and time: February 21, 2024, at 4:35 p.m., and said Notice of Meeting was also posted concurrently on the Town's website in accordance with Texas Government Code Ch. 551 at least 72 hours prior to the scheduled time of said meeting.

/s/ Tammy Dixon
Tammy Dixon, Town Secretary

If you plan to attend this public meeting and have a disability that requires special needs, please contact the Town Secretary's Office at 6822372900, 48 hours in advance, and reasonable accommodations will be made to assist you.



TOWN COUNCIL COMMUNICATION

MEETING DATE: February 26, 2024

FROM: Tammy Dixon, Town Secretary

AGENDA ITEM: Consider approval of the February 12, 2024, Town Council Work Session and Regular Meeting Minutes. (Tammy Dixon, Town Secretary)

BACKGROUND/SUMMARY: The Town Council held a work session and regular meeting on February 12, 2024.

BOARD REVIEW/CITIZEN FEEDBACK: N/A

FISCAL IMPACT: N/A

LEGAL REVIEW: N/A

ATTACHMENTS:

1. 02.12.2024 draft minutes

ACTIONS/OPTIONS:

Move to approve the February 12, 2024, Town Council Work Session and Regular Meeting Minutes. (Tammy Dixon, Town Secretary)

Town of Trophy Club Town Council Meeting Minutes
February 12, 2024, 6:00 p.m., Work Session and Regular Meeting
1 Trophy Wood Drive, Trophy Club, Texas 76262

CALL WORK SESSION TO ORDER

Mayor Tiffany called the work session to order at 6:00 p.m.

COUNCILMEMBERS PRESENT

Jeannette Tiffany, Mayor
Dennis Sheridan, Mayor Pro Tem
Stacey Bauer, Councilmember Place 1
Steve Flynn, Councilmember Place 6 (arrived at 6:16 p.m.)
LuAnne Oldham, Councilmember Place 5
Jeff Beach, Councilmember Place 2
Karl Monger, Councilmember Place 4

STAFF MEMBERS PRESENT

Brandon Wright, Town Manager
Tammy Dixon, Town Secretary
Dean Roggia, Town Attorney
Jason Wise, Fire Chief
Patrick Arata, Police Chief
April Duvall, Finance Director
Denise Deprato, Human Resources Director
Jill Lind, Communications and Marketing Director
Chase Ellis, Parks and Recreation Director
Tamara Smith, Assistant to the Town Manager

WORK SESSION ITEM

1. Presentation and discussion of findings from Town Council's Bobcat Boulevard traffic observations and recommendations for key objectives to be addressed through traffic improvement solutions. (Brandon Wright, Town Manager)

Town Manager Wright gave a presentation, discussed the findings of the Town Council's traffic observations, reviewed the key objectives and answered questions from the Town Council.

Following discussion, Mr. Wright explained the next step was to engage with an engineering firm for a traffic control plan analysis.

Mayor Tiffany adjourned the work session at 6:43 p.m.

CALL REGULAR MEETING TO ORDER

Mayor Tiffany called the regular meeting to order at 7:00 p.m.

INVOCATION

Pastor Joel Quilé of Bara Church, led the invocation.

PLEDGES

Councilmember Monger stated that Town Council attended the memorial service of native Trophy Club resident, Navy Seal, Special Warfare Operator 2nd Class Nathan Gage Ingram and requested a moment of silence in his honor.

Councilmember Monger led the Pledge of Allegiances to the American and Texas Flags.

PUBLIC COMMENTS

All addresses are located in Trophy Club unless otherwise indicated.

Speaker Name and Address	Subject (as written on form or stated)
Glyn Smith – 13 Jamie Court	Water flow/ Drainage
Richard Beaty – 18 Hillcrest Court	Drainage
Tim Humphries – 15 Hillcrest Court	Easement Repairs
James Janka – 11 Hillcrest Court	Drainage on Hillcrest
Mindy Connelly – 22 Hillcrest Court	Easement/Drainage
Jan Beaty – 18 Hillcrest Court	Drainage
Gene Thie – 16 Hillcrest Court	Hillcrest flooding

COMMUNITY SPOTLIGHT

2. Trophy Club Emergency Volunteer Association (TCEVA)

Gene Popik gave a presentation on the TCEVA highlighting the history and purpose of the organization.

3. Working for You . . . Trophy Club

a) Update from Town Council Members

Mayor Pro Tem Sheridan spoke about drainage issues in the area of Hillcrest Court and Jamie Court and requested that the issue be added to a future meeting or be looked at by staff to find a possible resolution.

Council Member Flynn announced Friday, February 16, 2024, was the last day to file for a place on the May 4, 2024, general election ballot. He encouraged everyone to be civil and utilize professionalism during the election season.

Mayor Tiffany spoke about the new Town Weekly Newsletter recently launched and is released each Friday. She stated the newsletter provides a comprehensive picture of current projects and events occurring in the Town. She stated the newsletter is sent out through Trophy Club alerts and is also posted on the Town's website.

Mayor Tiffany announced she would be representing the Town of Trophy Club on Wednesday, February 14th, 2024, at the Metroport Chamber – State of the Cities luncheon. She stated she was delighted to represent the community and was looking forward to sharing news and information about the Town.

b) Update from Town Manager

Town Manager Wright provided the following update:

- The Arts and Culture Ad Hoc Committee update for March would be postponed until April to allow the Committee to work with a facilitator to assist in achieving its goals to develop a successful Arts and Culture Commission program.
- The Fence repair at the corner of Bobcat Blvd. and Parkview Dr. has been completed.
- The summer employment program would soon be launched, and open positions will be posted to the Town's website.
- On February 14th, the Metroport Chamber will be hosting a membership luncheon featuring a spotlight on the State of the communities. He explained this event provides a valuable platform to directly engage with community leaders and gain insights into the latest developments and initiatives in each of their municipalities.
- The Police Department will be hosting a free Identity Theft Awareness program on February 15th at the Lake Cities Church.
- The Parks and Recreation Board meeting was scheduled for February 19th at 7:00 p.m.
- The Economic Development Board meeting was scheduled for February 27th at 6:00 p.m.

c) Quick Civic Tip from Town Attorney

Town Attorney Roggia spoke about the legal requirements for Councilmembers to participate in Town Council meetings remotely.

CONSENT AGENDA

This part of the agenda consists of non-controversial, or "housekeeping" items required by law. Items may be removed from Consent by any council member by making such request prior to a motion and vote.

Mayor Pro Tem Sherian requested items 7 and 10 to be pulled from Consent.

4. Consider approval of the January 8, 2024, Town Council Regular Meeting Minutes; January 19, 2024, and January 20, 2024, Town Council Retreat Meeting Minutes. (Tammy Dixon, Town Secretary)
5. Consider approval of the First Quarter Investment Report for Fiscal Year 2024. (April Duvall, Director of Finance)
6. Consider a resolution authorizing amendments to financial institution documents naming authorized Town representatives for Texas Local Government Investment Pools TexPool signature accounts. (April Duvall, Director of Finance). The caption of the resolution reads as follows:

RESOLUTION NO. 2024-01

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF TROPHY CLUB, TEXAS, APPROVING AND AUTHORIZING AMENDMENTS TO FINANCIAL INSTITUTION DOCUMENTS NAMING AUTHORIZED TOWN REPRESENTATIVES ON TEXPOOL SIGNATURE ACCOUNTS; APPOINTING AUTHORIZED REPRESENTATIVES, AND DESIGNATING INVESTMENT OFFICERS.

7. Consider a resolution adopting the method for making written requests for public information. (Tammy Dixon, Town Secretary) ***Item pulled from Consent.***
8. Consider amendments to the Town of Trophy Club Compensation Pay Plan with an effective date of February 12, 2024. (Denise Deprato, Director of Human Resources)
9. Consider authorizing the Town Manager to negotiate and execute a repair contract with Classic Chevrolet of Grapevine, TX in an amount not-to-exceed \$150,000 to repair Town vehicles affected by hail damage on June 11, 2023. (Denise Deprato, Director of Human Resources)
10. Consider authorizing the Town Manager to negotiate and execute a master services agreement with Terralogic Solutions, Inc. for payment kiosk and software services for the Trophy Club Park entrance in the amount of \$48,273. (Chase Ellis, Director of Parks & Recreation) ***Item pulled from Consent.***

Councilmember Flynn moved to approve Consent Items 4, 5, 6, 8, and 9. Councilmember Monger seconded the motion.

VOTE ON THE MOTION

AYES: Bauer, Flynn, Sheridan, Tiffany, Beach, Monger, Oldham

NAYES: None

VOTE: 7-0

7. Consider a resolution adopting the method for making written requests for public information. (Tammy Dixon, Town Secretary)

Mayor Pro Tem Sheridan requested Town Secretary Dixon explain the process for public information requests.

Town Secretary Dixon explained the Public Information Act is currently triggered when a person submits a written request to any staff member and this was not an efficient process due to deadlines. She stated the Town utilized JustFOIA, an online portal, to process public information requests. She explained the proposed resolution designates the methods by which requests can be made to include one designated email, the JustFOIA portal on the town's website, by mail and/or by person.

Mayor Pro Tem Sheridan moved to approve Resolution 2024-02 adopting the method for making written requests for public information. Councilmember Flynn seconded the motion. The caption of the resolution reads as follows:

RESOLUTION 2024-02

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF TROPHY CLUB, TEXAS, ADOPTING THE METHOD FOR MAKING WRITTEN REQUESTS FOR PUBLIC INFORMATION; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON THE MOTION

AYES: Bauer, Flynn, Sheridan, Tiffany, Beach, Monger, Oldham

NAYES: None

VOTE: 7-0

10. Consider authorizing the Town Manager to negotiate and execute a master services agreement with Terralogic Solutions, Inc. for payment kiosk and software services for the Trophy Club Park entrance in the amount of \$48,273. (Chase Ellis, Director of Parks & Recreation)

Mr. Ellis, Director of Parks and Recreation, provided stated the current payment kiosk located at Trophy Club Park was installed in 2014 and was in need of replacement as it has required numerous mechanical and technical repairs; staff manually processes all online purchases for park admittance requiring additional staff time and reducing customer experience. He explained the new kiosk would incorporate improved payment solutions and aesthetics for the entrance; it would create a link between the online payment system and the gate system to omit staff's involvement and automate the park

admission process; and would provide a more cohesive and friendly customer experience.

Councilmember Beach moved to authorize the Town Manager to negotiate and execute a master services agreement with Terralogic Solutions, Inc. for payment kiosk and software services for the Trophy Club Park entrance in the amount of \$48,273. Councilmember Bauer seconded the motion.

VOTE ON THE MOTION

AYES: Bauer, Flynn, Sheridan, Tiffany, Beach, Monger, Oldham

NAYES: None

VOTE: 7-0

Mayor Tiffany adjourned the Town Council meeting at 8:12 p.m.

Jeannette Tiffany, Mayor

Attest:

Tammy Dixon, Town Secretary



TOWN COUNCIL COMMUNICATION

MEETING DATE: February 26, 2024

FROM: Patrick Arata, Chief of Police

AGENDA ITEM: Consider authorizing the Town Manager to negotiate and execute an Interlocal Agreement with the City of Southlake, Texas for use of the Southlake Police Department firing range. (Patrick Arata, Police Chief)

BACKGROUND/SUMMARY: The Trophy Club Police Department utilizes the Southlake Police Department's firing range for annual qualifications and quarterly training. This agreement allows for the Police Department to continue annual use of the facility and establishes the appropriate payments for that use. The usage fee is \$600 per day. The Trophy Club Police Department uses the facility approximately five times a year with an estimated annual expense of \$3,000.

BOARD REVIEW/CITIZEN FEEDBACK: N/A

FISCAL IMPACT: Anticipated annual expenditures for use of the firing range is \$3,000. Funding for this item is budgeted for in the Police Department's General Fund budget.

LEGAL REVIEW: The Town Attorney has reviewed the agreement as to form and legality.

ATTACHMENTS:

1. Southlake Training Facility Agreement

ACTIONS/OPTIONS:

Staff recommends that the Town Council move to authorize the Town Manager to negotiate and execute an Interlocal Agreement with the City of Southlake, Texas for use of the Southlake Police Department firing range.



February 8, 2024

Patrick Arata
Chief of Police
Town of Trophy Club
1 Trophy Wood Drive
Trophy Club, TX 76262

Chief Arata,

We are pleased to inform you of important changes made to the Southlake Police Department (SPD) facility agreement regarding the use of the SPD Firing Range located at 100 East Dove Road, Southlake, Texas 76092.

Enclosed you'll find two copies of the **Agreement for Use of Training Facility** document.

The attached agreement is addressed to you as an official authorized signatory on behalf of your Agency/Department. Please review and sign both copies, retaining one copy for your files. Kindly mail the second copy to the City of Southlake Police Department Headquarters at the address provided below.

Return Mailing Address

Southlake Police Department Headquarters
Attention: Asst. Chief Ashleigh Casey
600 State Street
Southlake, TX 76092

The effective start date of the enclosed agreement is March 1, 2024.

If you have any questions feel free to contact our office at (817) 748-8114.

Thank You,

Erika Fletcher
Administrative Assistant, Police Administration
Southlake Police Department

EF/ef

AGREEMENT FOR USE OF TRAINING FACILITY

THE STATE OF TEXAS

§

§

COUNTY OF TARRANT

§

THIS (“**AGREEMENT**”), is made and entered into by the CITY OF SOUTHLAKE, TEXAS (“**Southlake**”), a Texas Home Rule municipality and the TOWN OF TROPHY CLUB, (“**Trophy Club**”), a Texas Home Rule municipality (“**Agency**”), each acting by and through its duly appointed and authorized official (collectively referred to herein as the “**Parties**”).

WHEREAS, Southlake owns and operates the Southlake Police Department North Training Facility Firing Range, located at 100 East Dove Road, Southlake, Texas (hereinafter referred to as the “**Range**”); and

WHEREAS, Southlake makes the Range available to area law enforcement agencies for their use in training personnel; and

WHEREAS, Agency desires to use the Range under the terms and conditions set forth herein; and

WHEREAS, all payments for use of the Range to be made hereunder are to be made from current revenues available to the paying party; and

WHEREAS, the Parties agree that this Agreement fairly compensates Southlake for the services being provided hereunder.

NOW THEREFORE, IN CONSIDERATION OF THE MUTUAL PROMISES AND CONSIDERATION PROVIDED FOR HEREIN, THE RECEIPT AND SUFFICIENCY OF WHICH ARE HEREBY CONFIRMED, THE PARTIES AGREE TO THE FOLLOWING:

Section 1. Incorporation of Recitals. All matters stated above are found to be true and correct and are incorporated herein by reference as if copied in their entirety.

Section 2. Term. This Agreement shall be for an initial term of one year commencing on March 1, 2024, and ending March 1, 2025, and will be automatically extended thereafter for successive one-year terms, unless terminated by one of the Parties.

Section 3. Southlake Obligations. Southlake agrees to do the following:

- Provide full access to the Range for the purpose of firearms training;
- Provide full access to all eight (8) 25-yard lanes and two (2) 50-yard lanes for the purpose of firearms qualifications and training;
- Coordinate scheduling of available range time;
- Provide full use of the weapons cleaning room and armorer’s work room. Coordinate armorer’s range time, subject to availability;

- e. Provide use of backers and targets while onsite; and
- f. Provide Range control personnel to operate all range functions.

Section 4. Agency Obligations. Agency agrees to do the following:

- a. Provide a single point of contact for scheduling;
- b. Provide qualified firearms instructors and safety personnel while onsite;
- c. Provide all weapons, ammunition, and range safety equipment while onsite;
- d. Abide by all rules and guidelines as set by the Southlake Firing Range and/or Southlake Range staff;
- e. Clean Range of all expended brass and casings created during firearms training; and
- f. Compensate Southlake for use of the Range at the rate of \$100.00 per hour or \$600.00 per day. Payment is due within thirty (30) days of receipt of invoice.

Section 5. Termination. The Parties shall each have the right to terminate this Agreement by providing thirty (30) days written notice of intent to terminate to the other Party.

Section 6. Notices. All notices required or provided for in this Agreement shall be sent to the following parties by certified mail – return receipt requested:

SOUTHLAKE

Chief of Police, City of Southlake
600 State Street
Southlake, TX 76092

AGENCY

Chief of Police, Town of Trophy Club
1 Trophy Wood Drive
Trophy Club, TX 76262

Section 7. Venue. Venue for any legal dispute arising pursuant to this Agreement shall lie in Tarrant County, Texas.

Section 8. All parties mutually agree that Agency is an independent contractor, and shall have exclusive control of performance hereunder, and that employees of Agency in no way are to be considered employees of Southlake.

Section 9. SOUTHLAKE AND AGENCY EACH AGREE TO ACCEPT FULL RESPONSIBILITY FOR THE ACTIONS OF THEIR OWN OFFICERS, AGENTS AND EMPLOYEES FOR THE PERFORMANCE OR USE OF THE RANGE UNDER THIS AGREEMENT, AND EACH PARTY HEREBY AGREES, TO THE EXTENT ALLOWED BY LAW, TO INDEMNIFY AND OTHERWISE HOLD HARMLESS THE OTHER PARTY, ITS OFFICERS, AGENTS AND EMPLOYEES IN BOTH PUBLIC AND PRIVATE

CAPACITY AGAINST ALL LIABILITY CLAIMS, SUITS, DEMANDS, LOSSES, DAMAGES, ATTORNEY FEES, INCLUDING ALL EXPENSE OF LITIGATION OR SETTLEMENT, OR CAUSES OF ACTION OF ANY KIND WHICH MAY ARISE BY REASON OF INJURY TO OR DEATH OF ANY PERSON OR FOR A LOSS OF, DAMAGE TO, OR LOSS OF THE USE OF ANY PROPERTY ARISING OUT OF OR IN ANY WAY CONNECTED TO THE INTENTIONAL OR NEGLIGENT ACTS OR OMISSIONS OF THAT PARTY, ITS OFFICERS, AGENTS OR EMPLOYEES, IN THE OR IN THE PERFORMANCE OR USE OF THE RANGE UNDER THIS AGREEMENT.

It is expressly understood and agreed that, in the execution of this Agreement, Southlake and Agency do not waive, nor shall be deemed hereby to waive any immunity or defense that would otherwise be available to or against claims arising in the exercise of governmental functions relating hereto or otherwise. By entering into this Agreement, Southlake and Agency do not create any obligations express or implied, other than those set forth herein, and this Agreement shall not create any rights in any parties not signatory hereto, except as expressly provided otherwise herein. There are no intended third-party beneficiaries of this Agreement, except each parties' officers, agents and employees referred to in this section.

Section 10. This Agreement may only be modified, changed or altered at any time, upon mutual agreement of parties, provided that any such modification, change and/or alteration be reduced to writing, and approved by the Parties.

IN WITNESS WHEREOF, we have hereunto set our hands this the ____ day of February 2024, in duplicate originals.

TOWN OF TROPHY CLUB, TEXAS

By: Brandon Wnght
Town Manager

ATTEST:

By _____

CITY OF SOUTHLAKE, TEXAS

Alison Ortowski
By: Alison Ortowski
City Manager

ATTEST:

By: Amy Shelley
City Secretary



TOWN COUNCIL COMMUNICATION

MEETING DATE: February 26, 2024

FROM: Matt Cox, Director of Community Development

AGENDA ITEM: Consider authorizing the Town Manager to negotiate and execute an agreement with Fort Worth Cleaning Services for janitorial services for Trophy Club Town Hall, Police Department, and Fire Station in an annual amount of \$43,200 including three one-year renewal options. (Matt Cox, Community Development Director)

BACKGROUND/SUMMARY: The Town of Trophy Club utilizes a third-party vendor for janitorial services at Town Hall, the Police Department, and the Fire Station. Cleaning services are performed three days per week on Tuesdays, Thursdays, and Saturdays. Under the agreement, the vendor is responsible for cleaning common areas, unlocked offices, restrooms, break rooms, and locker rooms. In addition to these services, the vendor vacuums, sweeps, mops, dusts, removes trash, sanitizes surfaces, and restocks restrooms. As needed, the agreement also includes cleaning of appliances and cabinets, light fixtures, and carpet spot removal. All services are provided for a flat monthly fee of \$3,600.

The original term of the agreement is to begin February 1, 2024 through September 30, 2024 and renewals for additional one-year terms through September 30, 2027. The Town may terminate the agreement without cause with 30-days written notice. The contract amount through September 30, 2024 is \$32,400. Annually, janitorial services through the contract will be \$43,200.

Quotes were received from janitorial services companies in the second half of calendar year 2023 with the anticipation of changing vendors in February. Based on service levels and costs, Fort Worth Cleaning Services is recommended as the best overall value to the Town of Trophy Club.

BOARD REVIEW/CITIZEN FEEDBACK: N/A

FISCAL IMPACT: The cost of janitorial services through September 30, 2024 is \$32,400. The annual cost of janitorial services will be \$43,200.

LEGAL REVIEW: Town Attorney, Dean Roggia, has reviewed the contract as to form and legality.

ATTACHMENTS:

1. FWCP Contract

2. Town of Trophy Club - Professional Cleaners Addendum
3. MARS Janitorial Services - Quote
4. CW Janitorial Quote - Janitorial Services

ACTIONS/OPTIONS:

Staff recommends that the Town Council move to authorize the Town Manager to negotiate and execute an agreement with Fort Worth Cleaning Services for janitorial services for Trophy Club Town Hall, Police Department, and Fire Station in an annual amount of \$43,200 including three one-year renewal options.



CLEANING PROFESSIONALS

COMMERCIAL CLEANING

**TROPHY CLUB TOWN HALL, POLICE
DEPARTMENT AND FIRE STATION**

January 25, 2024

January 25, 2024

Paul Brandon
Trophy Club Town Hall
1 Trophy Wood Drive
Trophy Club, TX. 76262

Subject: Office Building Cleaning Services

Customized Cleaning Plan: Upon initial assessment of the Trophy Club town hall, police department, and fire station buildings, we will develop a customized cleaning plan that takes into account the size, layout, and specific cleaning needs of your premises. Our experienced team will work closely with you to understand your expectations and create a schedule that aligns with your operational requirements.

Trained and professional staff: Our cleaning personnel are meticulously selected, thoroughly trained, and equipped with the necessary skills and knowledge to handle a wide range of cleaning tasks. They are well-versed in using environmentally friendly cleaning products and follow the best practices to ensure the highest standards of cleanliness and hygiene.

Quality Assurance: We are committed to delivering consistent and exceptional cleaning services. Our team conducts regular inspections and quality checks to ensure that all cleaning tasks are completed to the highest standards. If something needs to be addressed p

Scheduling: Tuesday, Thursday, Saturday

Competitive Pricing: Our pricing structure is designed to provide excellent value for your investment. We offer competitive rates without compromising on the quality or consistency of our services. We will provide a detailed breakdown of costs in the final contract, allowing for transparency and a clear understanding of the services provided.

We would be delighted to schedule a meeting at your convenience to discuss your specific requirements in detail and answer any questions you may have. Our team is committed to providing exceptional service and building long-term partnerships with our clients.

These services include, but are not limited to:

DAILY

Regular cleaning and maintenance of common areas, unlockd offices, restrooms, and break rooms and locker rooms

Vacuuming, sweeping, mopping, and dusting.

Trash removal.

Sanitization of high-touch surfaces.

Restroom restocking.

LIGHTING

.. Dusting lights

**WEEKLY OR MORE OFTEN IF NEEDED, BUT ALWAYS CHECK
KITCHENS**

Exteriors of refrigerators, and appliances other than microwave ovens; exteriors of cabinets

LIGHTING

☐ Cleaning lights and light fixtures.

UPHOLSTERY AND WORKSTATIONS

☐ Vacuum partitions.

PRICING AGREEMENT

CLIENT:TROPHY CLUB TOWN HALL POLICE DEPARTMENT AND FIRE STATION

CLEANING LOCATION: 1 TROPHY WOOD DRIVE

And 295 TROPHY CLUB DRIVE TROPHY CLUB, TX. 76262

Attn: Paul Brandon

FREQUENCY: Tuesday, Thursday Saturday

START DATE: FEBUARY 1, 2024

PRICE – Regular Service: \$3600.00 per month

PAYMENT TERMS:

NET FIFTEEN DAYS. Billing occurs at the beginning of every month.

CLEANING AGREEMENT

This agreement, dated January 25, 2024, is made between Fort Worth Cleaning Professionals, 9500 Ray White Rd., Suite 200, Fort Worth, TX 76244, and Trophy Club Town Hall, Fire Station, and Police Department. Both Fort Worth Cleaning Professionals and Trophy Club agree that Fort Worth Cleaning Professionals will begin service on February 1, 2024, with the following terms and conditions:

1. TROPHY CLUB agrees to hire FORT WORTH CLEANING PROFESSIONALS to clean three (3) times per week.

2. Fort Worth Cleaning Professionals will provide equipment, labor, and supervision. The client will provide all restroom paper products, hand soap, and trash can liners.

3. This agreement is to begin February 1, 2024 through September 30, 2024 and renews for additional one-year terms through September 30, 2027. This agreement shall be automatically renewable on the anniversary date with the same terms and conditions, unless either party gives written notice of termination at least thirty (30) days prior to said anniversary date. The client shall also have the right to terminate this agreement without cause with 30 days written notice to Fort Worth Cleaning Professionals or immediately if it loses funding for its operations or programs. Otherwise, this agreement may be terminated for nonperformance only, and the terminating party must give the other party written notice specifying in detail the nature of any defect in performance. The non-terminating party shall have five (5) days to cure, to the reasonable satisfaction of the terminating party. If satisfaction is not achieved at the end of the fifth (5) day, the terminating party shall notify the non-terminating party in writing of failure to cure, and the agreement shall terminate twenty-five (25) days from the date of said notice. All written notices must be sent via certified mail to the parties at their respective addresses set forth above and will be deemed received 3 days after mailing.

4. Terms: Invoices are sent out on the 1st of each month, with current payment due by the 5th of that month.

(CLIENT)

PRINT: _____ SIGN: _____

DATE: _____ TITLE: _____

(PROVIDER)

PRINT: Terrence Jones SIGN: T. Jones

DATE: 2-13-2024 TITLE: Owner

**Addendum to Agreement for Services Between
the Town of Trophy Club and Fort Worth Cleaning Professionals**

This Addendum to Agreement for Services (the "Addendum") is attached to and hereby made a part of the Agreement for Services effective February 1st, 2024 (the "Agreement") between the Town of Trophy Club, a Texas home-rule municipal corporation located in Denton County, Texas ("Town" or "Customer"), and Fort Worth Cleaning Professionals, 9500 Ray White Rd., Suite 200, Fort Worth, TX 76244 ("Vendor").

1. The Agreement is hereby amended to identify the Town as the proper party with the authority to enter into the Agreement; however, the parties understand and agree that the services provided by Vendor are coordinated through the Town's staff and the Trophy Club Fire Department/EMS.

2. **INDEMNITY/INSURANCE.** VENDOR (THE "INDEMNIFYING PARTY"), SHALL AT ITS SOLE COST INDEMNIFY, DEFEND, AND HOLD HARMLESS THE TOWN, TOGETHER WITH THE TOWN'S OFFICERS, AGENTS, COUNCIL MEMBERS, EMPLOYEES, ATTORNEYS AND REPRESENTATIVES (COLLECTIVELY, INCLUDING THE TOWN, THE "TOWN INDEMNIFIED PARTIES"), FROM AND AGAINST ANY AND ALL DAMAGES, LIABILITIES, DEMANDS, CAUSES OF ACTION, CLAIMS, JUDGMENTS, SUITS, COSTS AND EXPENSES (INCLUDING REASONABLE ATTORNEYS' FEES) MADE BY ANY THIRD-PARTY, TO THE EXTENT ARISING FROM OR RELATED TO THE SERVICES PROVIDED BY VENDOR PURSUANT TO THIS AGREEMENT (COLLECTIVELY, "INDEMNIFIED CLAIMS"), REGARDLESS OF THE LEGAL THEORY ASSERTED BY ANY THIRD PARTIES AND REGARDLESS OF WHETHER THE DAMAGES OR CLAIMS OF THIRD PARTIES ARE KNOWN OR FULLY APPRECIATED AT THIS TIME BY VENDOR OR THE TOWN. THE INDEMNITIES IN THIS AGREEMENT ARE SPECIFICALLY INTENDED TO OPERATE AND BE APPLICABLE EVEN IF IT IS ALLEGED OR PROVED THAT ALL OR SOME OF THE DAMAGES BEING SOUGHT WERE CAUSED IN WHOLE OR IN PART BY ANY ACT, ERROR, OMISSION, NEGLIGENCE, GROSS NEGLIGENCE, INTENTIONAL CONDUCT, BREACH OF CONTRACT, BREACH OF WARRANTY, VIOLATION OF STATUTE OR COMMON LAW, VIOLATIONS OF THE STATE OR FEDERAL CONSTITUTIONS, OR ANY OTHER CONDUCT WHATSOEVER OF THE TOWN INDEMNIFIED PARTIES. VENDOR SHALL USE LEGAL COUNSEL REASONABLY ACCEPTABLE TO THE TOWN IN CARRYING OUT ITS OBLIGATIONS HEREUNDER. THE PROVISIONS OF THIS SECTION SHALL SURVIVE THE EXPIRATION OR EARLY TERMINATION OF THIS AGREEMENT. THIS INDEMNIFICATION IS NOT INTENDED TO APPLY TO CLAIMS MADE AGAINST THE TOWN INDEMNIFIED PARTIES RESULTING FROM NEGLIGENT ACTS OF TOWN EMPLOYEES COVERED UNDER SECTION 101.021 OF THE TEXAS CIVIL PRACTICE AND REMEDIES CODE.

In addition to the foregoing indemnity obligations, the Vendor shall obtain and maintain during the term of this Agreement insurance required by the Town, which includes but is not

limited to statutory workers' compensation coverage in accordance with applicable law, and in the form, substance, and the amounts acceptable to the Town. Vendor's insurance shall name the "Town of Trophy Club, Texas" as additional insured and Vendor must waive all rights of subrogation against the Town of Trophy Club for bodily injury (including death), property damage, or any other loss arising from services performed by Vendor under this Agreement.

3. Gift to Public Servant. Customer may terminate the Agreement immediately if Vendor has offered, or agreed to confer any benefit upon a Town employee or official that the Town employee or official is prohibited by law from accepting.

4. Governing Law and Venue. The Agreement shall be governed by and construed in accordance with the laws and court decisions of the State of Texas, without regard to conflict of law or choice of law principles of Texas, or of any other state or country. The obligations of the parties to the Agreement shall be performable in Denton County, Texas, and if legal action is necessary in connection with or to enforce rights under the Agreement, exclusive venue shall lie in Denton County, Texas.

5. Legal Construction. In case any one or more of the provisions contained in the Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision of the Agreement, and the Agreement shall be considered as if such invalid, illegal, or unenforceable provision had never been contained in the Agreement.

6. Counterparts. The Agreement may be executed in any number of counterparts, each of which shall be deemed an original and constitute one and the same instrument.

7. Captions. The captions to the various clauses of the Agreement are for informational purposes only and shall not alter the substance of the terms and conditions of the Agreement.

8. Texas Public Information Act. Notwithstanding any other provision to the contrary in the Agreement, all information, documents, and communications relating to the Agreement shall be subject to the Texas Public Information Act ("Act") and any opinion of the Texas Attorney General or a court of competent jurisdiction relating to the Act.

9. Governmental Function(s) and Immunity.

A. Immunity retained. The Customer and Vendor hereby acknowledge and agree that Customer is entering into the Agreement in the performance of and pursuant to its governmental functions for the health, safety, and welfare of the citizens of the Town, the general public, and the State of Texas, and nothing contained in the Agreement shall be construed as constituting a waiver of the Customer's governmental immunity from suit or liability, which is expressly reserved to the fullest extent allowed by law.

B. Limited Waiver of Immunity. Notwithstanding any other provision to the contrary in the Agreement, the Customer and Vendor hereby acknowledge and agree that to the extent the Agreement is subject to the provisions of Subchapter I of Chapter 271, Texas Local Gov't Code,

as amended, the Customer's immunity from suit is waived only as set forth in Subchapter I of Chapter 271, Texas Local Gov't Code.

C. Rights Retained. The Town expressly reserves its legislative and municipal police power in accordance with the laws of the state of Texas.

10. Attorney's Fees. The prevailing party in any litigation brought by any party to this Agreement against any other party to enforce any provision of this Agreement, or to seek any remedy or relief pursuant to this Agreement, shall be entitled to collect reasonable and necessary attorney's fees and costs of court from the losing party, or parties, jointly and severally.

11. Controlling Document. In the event any term, condition, or provision of this Addendum conflicts with any term, condition, or provision of the Agreement, the terms, conditions, and provisions of this Addendum shall supersede and control the terms, conditions, and provisions of the Agreement.

12. Additional Verifications. To the extent required by Texas law, Vendor verifies that: (1) It does not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association, as defined in Texas Government Code § 2274.001, and that it will not during the term of the contract discriminate against a firearm entity or firearm trade association; (2) It does not "boycott Israel" as that term is defined in Texas Government Code Ch. 2271 and § 808.001 and it will not boycott Israel during the term of this Agreement; (3) It does not "boycott energy companies," as those terms are defined in Texas Government Code §§ 809.001 and 2274.001, and it will not boycott energy companies during the term of the Agreement; (4) It does not engage in scrutinized business operations with Sudan, Iran, or designated foreign terrorist organization as defined in Texas Government Code, Chapter 2270; and (5) It is not owned by or the majority of its stock or other ownership interest is held or controlled by i) individuals who are citizens of China, Iran, North Korea, Russia, or a designated country as defined by Texas Government Code § 2275.0101; or ii) a company or other entity, including a governmental entity, that is owned or controlled by citizens of or is directly controlled by the government of China, Iran, North Korea, Russia, or a designated country; nor is it headquartered in China, Iran, North Korea, Russia, or a designated country.

13. Ethics Disclosure. To the extent required by law, Vendor represents that it has completed a Texas Ethics Commission (the "TEC") form 1295 ("Form 1295") generated by the TEC's electronic filing application in accordance with the provisions of Texas Gov't Code Ch. 2252.908 and the rules promulgated by the TEC. The parties agree that, with the exception of the information identifying the Town and the contract identification number, the Town is not responsible for the information contained in the Form 1295. The information contained in the Form 1295 has been provided solely by Vendor and the Town has not verified such information.

14. Prompt Payment Act. Notwithstanding any other provision of the Agreement, including Vendor's payment terms, Customer shall pay Vendor the amounts due in accordance with the Texas Prompt Payment Act, Texas Gov't Code Ch. 2251, and Customer shall be entitled to an offset or proration of service charges if the services are not provided during a scheduled cleaning day.

15. Tax Exempt; Annual Appropriations. Customer is tax exempt and shall not be subject to or pay for any charges for taxes under the Agreement. All payments by the Town under the Agreement, including any provision in the Agreement relating to penalties, overages, interest, collections, or any other additional costs, shall be subject to and conditioned upon the annual appropriation of public funding budgeted for the specific purposes of the Agreement in accordance with the Town Charter and Texas law. The Town shall make a good faith effort to appropriate funds in accordance with Texas law; however, in the event funds are not appropriated, the Agreement shall automatically terminate without regard for any renewal or other notice requirements in the Agreement.

EXECUTED to be effective the 1st day of February, 2024, by Customer and Vendor.

**FORT WORTH CLEANING
PROFESSIONALS ("Vendor"):**

By: 7 Janus

Date: 2-13-2024

**THE TOWN OF TROPHY CLUB, TEXAS
("Town" or "Customer"):**

By: _____

Date: _____

**Addendum to Agreement for Services Between
the Town of Trophy Club and Fort Worth Cleaning Professionals**

This Addendum to Agreement for Services (the “Addendum”) is attached to and hereby made a part of the Agreement for Services effective February 1st, 2024 (the “Agreement”) between the Town of Trophy Club, a Texas home-rule municipal corporation located in Denton County, Texas (“Town” or “Customer”), and Fort Worth Cleaning Professionals, 9500 Ray White Rd., Suite 200, Fort Worth, TX 76244 (“Vendor”).

1. The Agreement is hereby amended to identify the Town as the proper party with the authority to enter into the Agreement; however, the parties understand and agree that the services provided by Vendor are coordinated through the Town’s staff and the Trophy Club Fire Department/EMS.

2. **INDEMNITY/INSURANCE.** VENDOR (THE “INDEMNIFYING PARTY”), SHALL AT ITS SOLE COST INDEMNIFY, DEFEND, AND HOLD HARMLESS THE TOWN, TOGETHER WITH THE TOWN’S OFFICERS, AGENTS, COUNCIL MEMBERS, EMPLOYEES, ATTORNEYS AND REPRESENTATIVES (COLLECTIVELY, INCLUDING THE TOWN, THE “TOWN INDEMNIFIED PARTIES”), FROM AND AGAINST ANY AND ALL DAMAGES, LIABILITIES, DEMANDS, CAUSES OF ACTION, CLAIMS, JUDGMENTS, SUITS, COSTS AND EXPENSES (INCLUDING REASONABLE ATTORNEYS’ FEES) MADE BY ANY THIRD-PARTY, TO THE EXTENT ARISING FROM OR RELATED TO THE SERVICES PROVIDED BY VENDOR PURSUANT TO THIS AGREEMENT (COLLECTIVELY, “INDEMNIFIED CLAIMS”), REGARDLESS OF THE LEGAL THEORY ASSERTED BY ANY THIRD PARTIES AND REGARDLESS OF WHETHER THE DAMAGES OR CLAIMS OF THIRD PARTIES ARE KNOWN OR FULLY APPRECIATED AT THIS TIME BY VENDOR OR THE TOWN. THE INDEMNITIES IN THIS AGREEMENT ARE SPECIFICALLY INTENDED TO OPERATE AND BE APPLICABLE EVEN IF IT IS ALLEGED OR PROVED THAT ALL OR SOME OF THE DAMAGES BEING SOUGHT WERE CAUSED IN WHOLE OR IN PART BY ANY ACT, ERROR, OMISSION, NEGLIGENCE, GROSS NEGLIGENCE, INTENTIONAL CONDUCT, BREACH OF CONTRACT, BREACH OF WARRANTY, VIOLATION OF STATUTE OR COMMON LAW, VIOLATIONS OF THE STATE OR FEDERAL CONSTITUTIONS, OR ANY OTHER CONDUCT WHATSOEVER OF THE TOWN INDEMNIFIED PARTIES. VENDOR SHALL USE LEGAL COUNSEL REASONABLY ACCEPTABLE TO THE TOWN IN CARRYING OUT ITS OBLIGATIONS HEREUNDER. THE PROVISIONS OF THIS SECTION SHALL SURVIVE THE EXPIRATION OR EARLY TERMINATION OF THIS AGREEMENT. THIS INDEMNIFICATION IS NOT INTENDED TO APPLY TO CLAIMS MADE AGAINST THE TOWN INDEMNIFIED PARTIES RESULTING FROM NEGLIGENT ACTS OF TOWN EMPLOYEES COVERED UNDER SECTION 101.021 OF THE TEXAS CIVIL PRACTICE AND REMEDIES CODE.

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limited to statutory workers' compensation coverage in accordance with applicable law, and in the form, substance, and the amounts acceptable to the Town. Vendor's insurance shall name the "Town of Trophy Club, Texas" as additional insured and Vendor must waive all rights of subrogation against the Town of Trophy Club for bodily injury (including death), property damage, or any other loss arising from services performed by Vendor under this Agreement.

3. Gift to Public Servant. Customer may terminate the Agreement immediately if Vendor has offered, or agreed to confer any benefit upon a Town employee or official that the Town employee or official is prohibited by law from accepting.

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EXECUTED to be effective the 1st day of February, 2024, by Customer and Vendor.

**FORT WORTH CLEANING
PROFESSIONALS (“Vendor”):**

**THE TOWN OF TROPHY CLUB, TEXAS
 (“Town” or “Customer”):**

By: _____

By: _____

Date: _____

Date: _____

Cleaning bid form

**JANITORIAL
CLEANING**

Client information

Name City of Trophy Club

Address 1 Trophy Wood Dr

City, State ZIP Trophy Club, TX 76262

Phone (682) 237-2960

Email pbrandon@trophyclub.org

Project name Reoccurring cleaning service 3x a week.

Contractor information

Company MARS Services

Name Kelli Chiessa

Address 1663 Hickory Drive

City, State ZIP Haltom City, TX 76116

Phone (817) 697-7733

Email Scheduling@marsservices.com

Completion date TBD

Scope of work

City Of Trophy Club janitorial scope of work.

Mars services agrees to do janitorial work for the City of Trophy Club town hall, police department and Fire Station (295 Trophy Club Dr, Trophy Club, TX 76262) three times a week during business hours. Business hours are 08am to 05pm. Basic janitorial services requested general concepts listed below, detailed check list provided. Mars will supply a basket or cart for technicians to use while on site which will be stored in a janitorial closet located in each section of the building. City of Trophy Club will provide cleaning supplies to ensure proper chemicals and supplies are used, these items will be located inside of the janitorial closet. When using any water or mopping Mars will only dump in mop sinks located inside of the janitorial closets to prevent any damage to the buildings.

Special note at Fire Station Mars will only clean up to the kitchen, Mars will not be cleaning the kitchen or other areas the station is responsible for.

Price layout

Work will be completed 3 days a week, on either a Monday, Wednesday and Friday rotation or a Tuesday, Thursday, and Saturday rotation. Work will be completed based on the check list provided, with optional services to be added as needed. Mars Services will invoice per month for the work completed. Invoiced amount without optional services will be \$3360.00.

KELLI CHIESSA

Submitted by Kelli Chiessa

6/16/2023

Date

Client acceptance

I, _____, accept the above scope of work, have reviewed the check list and will give 30 days notice to start work to MARS Services

Submitted by Authorized signer.

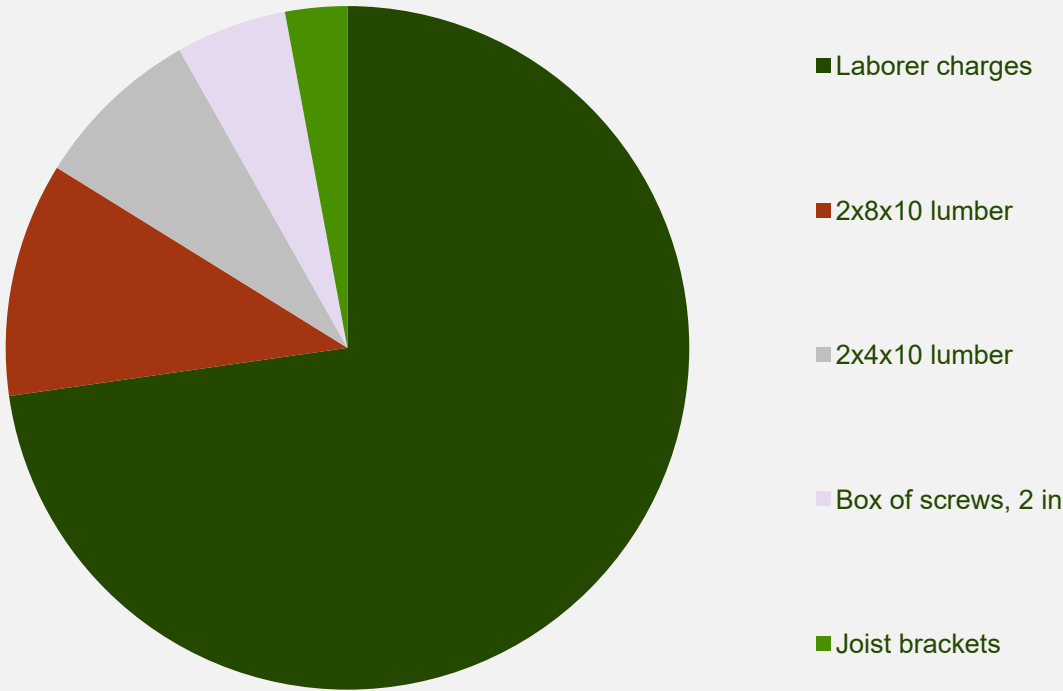
Date

Cost breakdown

List of materials and costs			
Qty.	Description	Cost	Total
700	2x8x10 lumber	\$6.75	\$4,725.00
685	2x4x10 lumber	\$4.97	\$3,404.45
502	Joist brackets	\$2.49	\$1,249.98
335	Box of screws, 2 in	\$6.67	\$2,234.45
250	Box of nails, 10 penny	\$3.25	\$812.50
110	Pair of gloves, leather	\$7.75	\$852.50
310	Laborer charges	\$100.00	\$31,000.00
		Subtotal	\$44,278.88
		Tax rate	7.50%
		Tax	\$3,320.92
		Grand total	\$47,599.80

Bid cost summary

Breakdown of materials and costs



Notes

Labor charges are \$100/hour not including OT

DATE:	August 7, 2023
<u>Quote #</u>	2892
FOR:	Office Cleaning Town Of Trophy Club 1 Trophy Wood Dr. TrophyClub, TX. 76262

Office Cleaning
Town Of Trophy Club
1 Trophy Wood Dr.
Trophy Club, TX. 76262

**If you have any questions concerning this Quote contact Chris Walker,
(817) 300-4372, chris@cwjanitorialservices.com**



TOWN COUNCIL COMMUNICATION

MEETING DATE: February 26, 2024

FROM: Matt Cox, Director of Community Development

AGENDA ITEM: Consider authorizing the Town Manager to negotiate and execute a contract with EnTech Displays for the rebuild of the purchase and installation of outdoor LED message boards at the median of the intersection of Trophy Club Dr and TX 114 frontage road, in front of First Financial Bank, in the not-to-exceed amount of \$32,000. (Matt Cox, Community Development Director)

BACKGROUND/SUMMARY: On September 25, 2023, an automobile accident occurred in the median of Trophy Club Drive across from First National Bank. The Town of Trophy Club entry monument sign received extensive damage and was a total loss. This item is for approval of the LED Message Board. The monument reconstruction is being completed by another contractor with the amount of that work being under the \$25,000 Council-approval threshold amount. The monument reconstruction amount is estimated at \$17,500.

The Town's insurance policy is expected to cover approximately \$26,000 of the repair costs. For the remaining balance, the Town Attorney will pursue subrogation against the individual responsible for the property damage to recover the costs.

Trophy Club Community Monument Display – Before Accident



BOARD REVIEW/CITIZEN FEEDBACK: N/A

FISCAL IMPACT: The purchase contract with installation amount for new LED message boards on both sides of the monument is \$31,648.

LEGAL REVIEW: N/A

ATTACHMENTS:

1. EnTech LED Qoute - TC Monument

ACTIONS/OPTIONS:

Staff recommends that the Town Council move to authorize the Town Manager to negotiate and execute a contract with EnTech Displays for the rebuild of the purchase and installation of outdoor LED message boards at the median of the intersection of Trophy Club Dr and TX 114 frontage road, in front of First Financial Bank, in the not-to-exceed amount of \$32,000.

Commercial Quote (Page 2 of 2)

Project Name:
Quote No:
Sales Rep:

Created:
Valid:
Payment Terms:

Revised:

Terms and Conditions / Warranty

Terms

- This is a non-cancelable contract and cannot be terminated or cancelled except as expressly provided herein.
- All measurements listed are approximate
- Payment is due in full prior to shipment unless otherwise specified in quote
- Other Options are American Express, MasterCard, Visa, C.O.D., or prepaid orders. Shipping is F.O.B. Origin
- Entech is not responsible for delays due to causes beyond its control and reserves the right to make partial shipments
- When the equipment is completed, Entech Alpha LLC (here after referred to as Entech Signs) will notify the Customer of such. If the customer cannot or will not accept delivery and/or Installation of the sign within fifteen (15) days from the date of notice of completion, Entech Signs shall still be entitled to invoice and receive payment for the balance due and owing to Entech Signs pursuant to this Agreement
- Customer grants to Entech Signs permission to reproduce copies of renderings, licenses, photographs and videotapes of the Customer's displays for use in, but not limited to Entech Signs portfolios, brochures, videotapes or other Entech Advertising

Pricing

Entech Signs Reserves the right to change prices without prior notification. Prices do not include insurance, shipping, handling or taxes and Entech Signs reserves the right to arrange for insurance on all orders

Installation (If Quoted)

The customer is responsible for supplying compatible power for the sign. The customer authorizes Entech, its agents, servants and employees to erect or attach a display or displays and electrical equipment and necessary structures on the building or property specified in the agreement. The customer agrees to defend, indemnify and hold harmless Entech, its agents, servants or employees from any charge, claim or cause of action for damages arising out of said attachment or erection whether or not Entech, its agents, servants or employees have acted in a negligent or unworkmanlike manner. Entech shall not be liable for delay due to causes beyond its reasonable control, such as, but not limited to, acts of God, vandalism, accidents, acts of circumstances of the Customer, acts of civil or military authorities, fires, strikes, floods, riots, delays in transportation, and liability due to causes beyond its reasonable control to obtain the necessary labor, materials or paint facilities.

Warranty

Per warranty period stated from the date of shipment, Entech Signs warrants each sign or display to be free from defects in materials and workmanship. As customer's sole and exclusive remedy, Entech Signs will repair, replace, or at Entech's option, refund the purchase price of any unit under the terms of this warranty provided the unit is returned to the point of original shipment prepaid. This warranty does not apply if the unit has been damaged by accident, misuse, or incorrect installation, or has been modified in any way. This warranty applied only to the original purchaser and is in lieu of all other warranties, whether expressed or implied. In no event is Entech Signs liable for damages, including consequential damages, beyond the original replacement value of the sign or display. There are no warranties which extend beyond the description on the face hereof. Entech Signs hereby excludes all implied warranties of merchantability, fitness for particular purpose, noninfringement or any other warranty other than that above written. Any phone and software support services are conditioned on and are subject to payment in full of any and all sums due by Buyer under this contract whether to Buyer or to Third Party end user of the products sold hereunder.

30 Day Return Policy

- No returns will be accepted without prior written authorization from Entech Signs. Incorrect merchandise received will receive prompt re-shipment of correct items
- Merchandise that cannot be used may be returned at a 35% restocking charge if items are shipped prepaid in the original boxes
- Incorrect merchandise, other than custom items, may be returned, shipped prepaid, and will be exchanged on an equivalent basis
- Non-returnable items include: custom items, multi-line indoor signs, all clocks and outdoor signs
- Carrier is responsible for parts damaged in shipment. The customer should have driver sign for damaged carton on delivery receipt and make a claim with the freight company. Please insist that the carrier's representative conduct an inspection, and retain all packing materials for the inspector. Please report promptly for immediate follow-up on short shipments
- No action arising from any sale by Entech Signs may be brought by a customer more than 30 days after the date of shipment

This contract contains all of the terms of the agreement between the Buyer and Seller and any oral agreements or understandings not otherwise contained herein are invalid and unenforceable. This contract shall be deemed entered into and performed in the State of Texas and Buyer consents to the jurisdiction of the State of Texas for purposes of enforcement of the terms hereof. The courts of Dallas County, Texas will have exclusive jurisdiction and venue over any disputes arising from any sale by Entech and Customer and Buyer consent to personal jurisdiction of the federal and state courts located in Dallas County, Texas. If legal action is brought by Entech Signs from the collection of any amount owed or due to any other dispute, the prevailing party will be entitled to recover its reasonable attorneys' fees and cost incurred. These terms constitute the entire agreement between Entech and customer, regardless of any additional or conflicting terms on customer's purchase order or other documentation, which are objected to, or any prior discussions or usage of trade. All sales by Entech Signs are made only on the terms and conditions contained herein.



Acceptance

Entech Signs
 Signed: _____ Date: _____

Signed: _____ Date: _____
 Page 36 of 120



TOWN COUNCIL COMMUNICATION

MEETING DATE: February 26, 2024

FROM: Patrick Arata, Chief of Police

AGENDA ITEM: Consider accepting the Trophy Club Police Department's 2023 Racial Profiling Report. (Patrick Arata, Police Chief)

BACKGROUND/SUMMARY: In compliance with State law, the Trophy Club Police Department commissions an annual Racial Profiling Report conducted at the end of each calendar year. The 2023 Report was prepared and filed with the State of Texas by Del Carman Consulting. In 2023, the Trophy Club Police Department collected and reported traffic and motor vehicle related contact data for the purpose of identifying and addressing (if necessary) areas of concern regarding racial profiling practices. The Sandra Bland Law requires that law enforcement agencies in Texas collect additional data and provide more detailed analysis, which has been met by the Trophy Club Police Department (TCPD).

The 2023 Racial Profiling Report includes three sections demonstrating TCPD's compliance with State law. The first section includes information on motor vehicle-related contacts. The second section documents compliance with the Texas Racial Profiling Law. Section three contains statistical data for motor vehicle stops conducted between January 1, 2023 and December 31, 2023. The Summary of Findings section on page 26 states, "The comprehensive data analysis performed serves as evidence that the Trophy Club Police Department has complied with the Texas Racial Profiling Law and all of its requirements. Further, the report demonstrates that the police department has incorporated a comprehensive racial profiling policy, currently offers information to the public on how to file a compliment or complaint, commissions quarterly data audits in order to ensure validity and reliability, collects and commissions the analysis of Tier 2 data, and ensures that the practice of racial profiling will not be tolerated."

The TCPD conducted 5,312 total motor-vehicle stops in 2023, and detailed information collected from those stops is available in the report, which is also available on the Town's website.

BOARD REVIEW/CITIZEN FEEDBACK: N/A

FISCAL IMPACT: N/A

LEGAL REVIEW: N/A

ATTACHMENTS:

1. Racial Profiling 2023 Presentation

2. Trophy Club 2023 Racial Profiling Report

ACTIONS/OPTIONS:

Staff recommends that the Town Council move to accept the Trophy Club Police Department's 2023 Racial Profiling Report.



Trophy Club Police Department 2023 Racial Profiling Report

DEL CARMEN Consulting
Law Enforcement Experts



Racial Profiling Requirements:

Racial profiling CCP 3.05

Racial profiling prohibited CCP 2.131

Law enforcement policy on racial profiling CCP 2.132 Reports required for traffic and pedestrian stops CCP 2.133 Liability CCP 2.136

Racial profiling education for police chiefs Education Code 96.641 Training program Occupations Code 1701.253

Training required for intermediate certificate Occupations Code 1701.402

Definition of "race or ethnicity" for form Transportation Code 543.202



Report of Compliments and Racial Profiling Complaints

1 Complaint
Unfounded

Data

Total Stops 5,312

City Street 5,282

US Highway 1

State Highway 1

County Road 7

Private Property 21

Citation Total: 2,103

Alaska Native/American Indian 47

Asian/Pacific Islander 102

Black 262

White 1,295

Hispanic/Latino 397

Motor Vehicle-Related Contacts



Race/ Ethnicity	All Contacts	Citations	Verbal Warning	Written Warning	Contact Percent	Citation Percent	Verbal Percent	Written Percent
Alaska Native/American Indian	108	47	0	61	2%	2%	0%	2%
Asian/Pacific Islander	280	102	4	174	5%	5%	12%	5%
Black	573	264	2	307	11%	13%	6%	10%
White	3,652	1,299	23	2,328	69%	62%	70%	74%
Hispanic/Latino	699	397	4	297	13%	19%	12%	9%
Total	5312	2109	33	3167	100%	100%	100%	100%

The comprehensive data analysis performed serves as evidence that the Trophy Club Police Department has complied with the Texas Racial Profiling Law and all of its requirements. Further, the report demonstrates that the police department has incorporated a comprehensive racial profiling policy, currently offers information to the public on how to file a compliment or complaint, commissions quarterly data audits in order to ensure validity and reliability, collects and commissions the analysis of Tier 2 data and ensures that the practice of racial profiling will not be tolerated.



Questions





[social media](#) | [email](#) | [website](#)

TROPHY CLUB POLICE DEPARTMENT

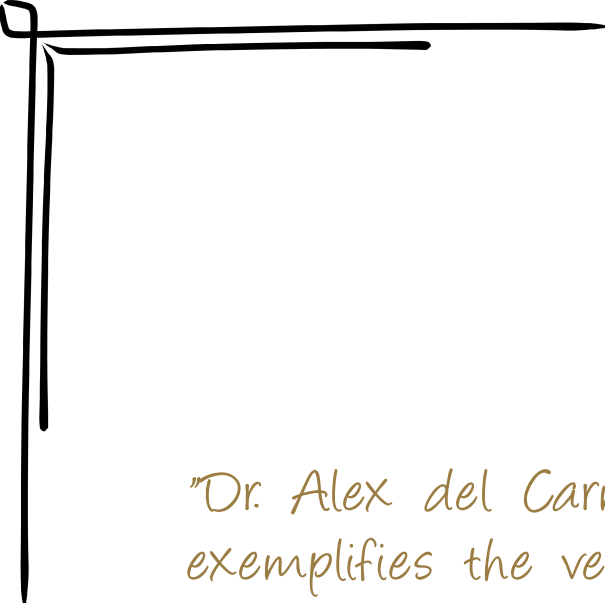


2023 RACIAL PROFILING REPORT



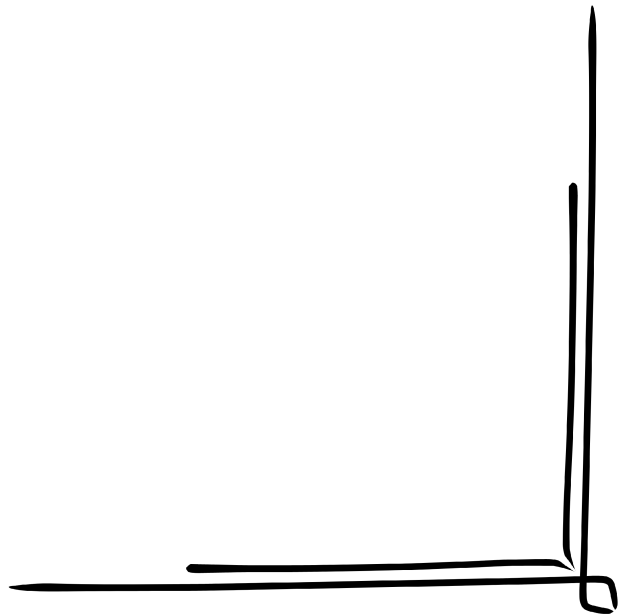
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"Dr. Alex del Carmen's work on racial profiling exemplifies the very best of the Sandra Bland Act, named after my daughter. My daughter's pledge to fight for injustice is best represented in the high quality of Dr. del Carmen's reports which include, as required by law, the data analysis, audits, findings and recommendations. I commend the agencies that work with him as it is clear that they have embraced transparency and adherence to the law."

-Quote by Geneva Reed (Mother of Sandra Bland)



January 31, 2024

Trophy Club City Council
1 Trophy Wood Dr.
Trophy Club, TX 76262

Dear Distinguished Members of the City Council,

In 2001 the Texas Legislature, with the intent of addressing the issue of racial profiling in policing, enacted the Texas Racial Profiling Law. During the last calendar year, the Trophy Club Police Department, in accordance with the law, has collected and reported traffic and motor vehicle related contact data for the purpose of identifying and addressing (if necessary) areas of concern regarding racial profiling practices. In the 2009 Texas legislative session, the Racial Profiling Law was modified and additional requirements were implemented. Further, in 2017 the Sandra Bland Act was passed and signed into law (along with HB 3051, which introduced new racial and ethnic designations). The Sandra Bland Law currently requires that law enforcement agencies in the state collect additional data and provide a more detailed analysis. All of these requirements have been met by the Trophy Club Police Department and are included in this report.



In this report, you will find three sections with information on motor vehicle-related contacts. In addition, when appropriate, documentation is included which demonstrates the manner in which the Trophy Club Police Department has complied with the Texas Racial Profiling Law. In section one, you will find the table of contents. Section two documents compliance by the Trophy Club Police Department relevant to the requirements established in the Texas Racial Profiling Law. That is, you will find documents relevant to the training of all police personnel on racial profiling prevention and the institutionalization of the compliment and complaint processes, as required by law.

Finally, section three contains statistical data relevant to contacts (as defined by the law) which were made during the course of motor vehicle stops that took place between 1/1/23 and 12/31/23. Further, this section contains the Tier 2 form, which is required to be submitted to this particular organization and the law enforcement agency's local governing authority by March 1 of each year. The data in this report has been analyzed and compared to information derived from the U.S. Census Bureau's Fair Roads Standard. The final analysis and recommendations are also included in this report.

In the last section of the report, you will find the original draft of the Texas Racial Profiling Law, SB1074, as well as the Sandra Bland Act (current law). Also in this section, a list of requirements relevant to the Racial Profiling Law, as established by TCOLE (Texas Commission on Law Enforcement), is included. The findings in this report support the Trophy Club Police Department's commitment to comply with the Texas Racial Profiling Law.

Sincerely,

Alex del Carmen, Ph.D.

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Public Education on Responding to Compliments and Complaints

Informing the Public on the Process of Filing a Compliment or Complaint with the Trophy Club Police Department

The Texas Racial Profiling Law requires that police agencies provide information to the public regarding the manner in which to file a compliment or racial profiling complaint. In an effort to comply with this particular component, the Trophy Club Police Department launched an educational campaign aimed at informing the public on issues relevant to the racial profiling complaint process.

The police department made available, in the lobby area and on its web site, information relevant to filing a compliment and complaint on a racial profiling violation by a Trophy Club Police Officer. In addition, each time an officer issues a citation, ticket or warning, information on how to file a compliment or complaint is given to the individual cited. This information is in the form of a web address (including in the document issued to the citizen), which has instructions and details specifics related to the compliment or complaint processes.

It is believed that through these efforts, the community has been properly informed of the new policies and the complaint processes relevant to racial profiling.

All Trophy Club Police Officers have been instructed, as specified in the Texas Racial Profiling Law, to adhere to all Texas Commission on Law Enforcement (TCOLE) training and the Law Enforcement Management Institute of Texas (LEMIT) requirements. To date, all sworn officers of the Trophy Club Police Department have completed the TCOLE basic training on racial profiling. The main outline used to train the officers of Trophy Club has been included in this report.

It is important to recognize that the Chief of the Trophy Club Police Department has also met the training requirements, as specified by the Texas Racial Profiling Law, in the completion of the LEMIT program on racial profiling. The satisfactory completion of the racial profiling training by the sworn personnel of the Trophy Club Police Department fulfills the training requirement as specified in the Education Code (96.641) of the Texas Racial Profiling Law.



Racial Profiling Course 3256

Texas Commission on Law Enforcement

September 2001

Racial Profiling 3256

Instructor's Note:

You may wish to teach this course in conjunction with Asset Forfeiture 3255 because of the related subject matter and applicability of the courses. If this course is taught in conjunction with Asset Forfeiture, you may report it under Combined Profiling and Forfeiture 3257 to reduce data entry.

Abstract

This instructor guide is designed to meet the educational requirement for racial profiling established by legislative mandate: 77R-SB1074.

Target Population: Licensed law enforcement personnel in Texas

Prerequisites: Experience as a law enforcement officer

Length of Course: A suggested instructional time of 4 hours

Material Requirements: Overhead projector, chalkboard and/or flip charts, video tape player, handouts, practical exercises, and demonstrations

Instructor Qualifications: Instructors should be very knowledgeable about traffic stop procedures and law enforcement issues

Evaluation Process and Procedures

An examination should be given. The instructor may decide upon the nature and content of the examination. It must, however, sufficiently demonstrate the mastery of the subject content by the student.

Reference Materials

Reference materials are located at the end of the course. An electronic copy of this instructor guide may be downloaded from our web site at <http://www.tcleose.state.tx.us>.

Racial Profiling 3256

1.0 RACIAL PROFILING AND THE LAW

1.1 UNIT GOAL: The student will be able to identify the legal aspects of racial profiling.

1.1.1 LEARNING OBJECTIVE: The student will be able to identify the legislative requirements placed upon peace officers and law enforcement agencies regarding racial profiling.

Racial Profiling Requirements:

Racial profiling CCP 3.05

Racial profiling prohibited CCP 2.131

Law enforcement policy on racial profiling CCP 2.132

Reports required for traffic and pedestrian stops CCP 2.133

Liability CCP 2.136

Racial profiling education for police chiefs Education Code 96.641

Training program Occupations Code 1701.253

Training required for intermediate certificate Occupations Code 1701.402

Definition of "race or ethnicity" for form Transportation Code 543.202

A. Written departmental policies

1. Definition of what constitutes racial profiling
2. Prohibition of racial profiling
3. Complaint process
4. Public education
5. Corrective action
6. Collection of traffic-stop statistics
7. Annual reports

B. Not prima facie evidence

C. Feasibility of use of video equipment

D. Data does not identify officer

E. Copy of complaint-related video evidence to officer in question

F. Vehicle stop report

1. Physical description of detainees: gender, race or ethnicity
2. Alleged violation
3. Consent to search
4. Contraband
5. Facts supporting probable cause
6. Arrest
7. Warning or citation issued

G. Compilation and analysis of data

H. Exemption from reporting – audio/video equipment

I. Officer non-liability

J. Funding

K. Required training in racial profiling

1. Police chiefs
2. All holders of intermediate certificates and/or two-year-old licenses as of 09/01/2001 (training to be completed no later than 09/01/2003) – see legislation 77R-SB1074



1.1.2 LEARNING OBJECTIVE: The student will become familiar with Supreme Court decisions and other court decisions involving appropriate actions in traffic stops.

A. Whren v. United States, 517 U.S. 806, 116 S.Ct. 1769 (1996)

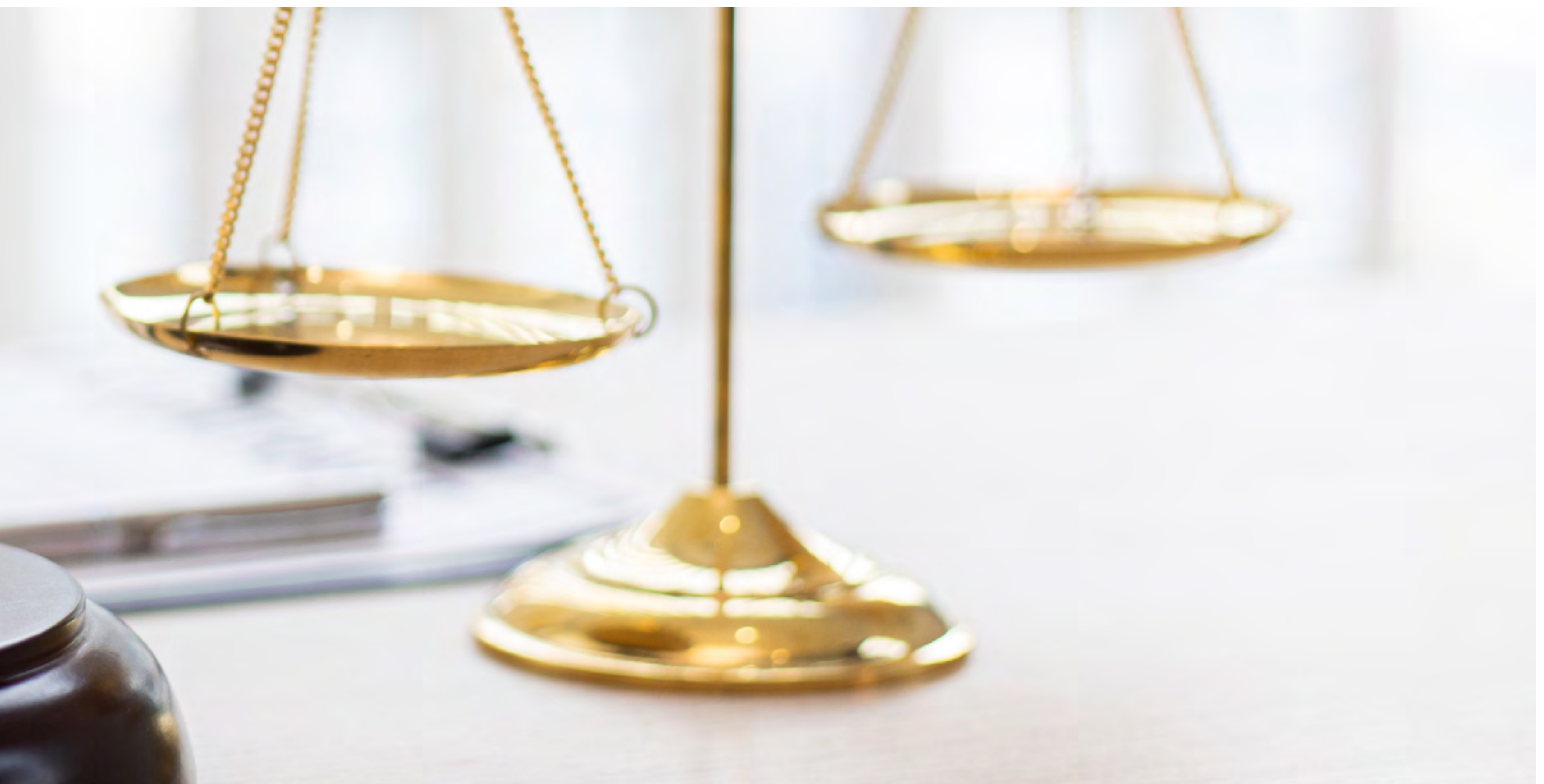
1. Motor vehicle search exemption
2. Traffic violation acceptable as pretext for further investigation
3. Selective enforcement can be challenged

B. Terry v. Ohio, 392 U.S. 1, 88 S.Ct. 1868 (1968)

1. Stop & Frisk doctrine
2. Stopping and briefly detaining a person
3. Frisk and pat down

C. Other cases

1. Pennsylvania v. Mimms, 434 U.S. 106, 98 S.Ct. 330 (1977)
2. Maryland v. Wilson, 117 S.Ct. 882 (1997)
3. Graham v. State, 119 MdApp 444, 705 A.2d 82 (1998)
4. Pryor v. State, 122 Md.App. 671 (1997) cert. denied 352 Md. 312, 721 A.2d 990 (1998)
5. Ferris v. State, 355 Md. 356, 735 A.2d 491 (1999)
6. New York v. Belton, 453 U.S. 454 (1981)



2.0 RACIAL PROFILING AND THE COMMUNITY

2.1 UNIT GOAL: The student will be able to identify logical and social arguments against racial profiling.

2.1.1 LEARNING OBJECTIVE: The student will be able to identify logical and social arguments against racial profiling.

- A. There are appropriate reasons for unusual traffic stops (suspicious behavior, the officer's intuition, MOs, etc.), but police work must stop short of cultural stereotyping and racism.
- B. Racial profiling would result in criminal arrests, but only because it would target all members of a race randomly – the minor benefits would be far outweighed by the distrust and anger towards law enforcement by minorities and the public as a whole.
- C. Racial profiling is self-fulfilling bad logic: if you believed that minorities committed more crimes, then you might look for more minority criminals, and find them in disproportionate numbers.
- D. Inappropriate traffic stops generate suspicion and antagonism towards officers and make future stops more volatile – a racially-based stop today can throw suspicion on tomorrow's legitimate stop.
- E. By focusing on race, you would not only be harassing innocent citizens, but overlooking criminals of all races and backgrounds – it is a waste of law enforcement resources.

3.0 RACIAL PROFILING VERSUS REASONABLE SUSPICION

3.1 UNIT GOAL: The student will be able to identify the elements of both inappropriate and appropriate traffic stops.

3.1.1 LEARNING OBJECTIVE: The student will be able to identify elements of a racially motivated traffic stop.

A. Most race-based complaints come from vehicle stops, often since race is used as an inappropriate substitute for drug courier profile elements

B. "DWB" – "Driving While Black" – a nickname for the public perception that a Black person may be stopped solely because of their race (especially with the suspicion that they are a drug courier), often extended to other minority groups or activities as well ("Driving While Brown," "Flying While Black," etc.)

C. A typical traffic stop resulting from racial profiling

1. The vehicle is stopped on the basis of a minor or contrived traffic violation which is used as a pretext for closer inspection of the vehicle, driver, and passengers
2. The driver and passengers are questioned about things that do not relate to the traffic violation
3. The driver and passengers are ordered out of the vehicle
4. The officers visually check all observable parts of the vehicle
5. The officers proceed on the assumption that drug courier work is involved by detaining the driver and passengers by the roadside
6. The driver is asked to consent to a vehicle search – if the driver refuses, the officers use other procedures (waiting on a canine unit, criminal record checks, license-plate checks, etc.), and intimidate the driver (with the threat of detaining him/her, obtaining a warrant, etc.)



3.1.2 LEARNING OBJECTIVE: The student will be able to identify elements of a traffic stop which would constitute reasonable suspicion of drug courier activity.

A. Drug courier profile (adapted from a profile developed by the DEA)

1. Driver is nervous or anxious beyond the ordinary anxiety and cultural communication styles
2. Signs of long-term driving (driver is unshaven, has empty food containers, etc.)
3. Vehicle is rented
4. Driver is a young male, 20-35
5. No visible luggage, even though driver is traveling
6. Driver was over-reckless or over-cautious in driving and responding to signals
7. Use of air fresheners

B. Drug courier activity indicators by themselves are usually not sufficient to justify a stop

3.1.3 LEARNING OBJECTIVE: The student will be able to identify elements of a traffic stop which could constitute reasonable suspicion of criminal activity.

A. Thinking about the totality of circumstances in a vehicle stop

B. Vehicle exterior

1. Non-standard repainting (esp. on a new vehicle)
2. Signs of hidden cargo (heavy weight in trunk, windows do not roll down, etc.)
3. Unusual license plate suggesting a switch (dirty plate, bugs on back plate, etc.)
4. Unusual circumstances (pulling a camper at night, kids' bikes with no kids, etc.)

C. Pre-stop indicators

1. Not consistent with traffic flow
2. Driver is overly cautious, or driver/passengers repeatedly look at police car
3. Driver begins using a car- or cell-phone when signaled to stop
4. Unusual pull-over behavior (ignores signals, hesitates, pulls onto new street, moves objects in car, etc.)

D. Vehicle interior

1. Rear seat or interior panels have been opened, there are tools or spare tire, etc.
2. Inconsistent items (anti-theft club with a rental, unexpected luggage, etc.)

Resources

Proactive Field Stops Training Unit – Instructor's Guide, Maryland Police and Correctional Training Commissions, 2001. (See Appendix A.)

Web address for legislation 77R-SB1074: <http://tlo2.tlc.state.tx.us/tlo/77r/billtext/SB01074F.htm>

Report on Compliments and Racial Profiling Complaints



Report on Complaints

The following table contains data regarding officers that have been the subject of a complaint, during the time period of 1/1/23-12/31/23 based on allegations outlining possible violations related to the Texas Racial Profiling Law. The final disposition of the case is also included.

☐

A check above indicates that the Trophy Club Police Department has not received any complaints, on any members of its police services, for having violated the Texas Racial Profiling Law during the time period of 1/1/23-12/31/23.

Complaints Filed for Possible Violations of The Texas Racial Profiling Law

Complaint Number	Alleged Violation	Disposition of the Case
1	Racial Profiling	Unfounded

Additional Comments:

Tables Illustrating Motor Vehicle-Related Contacts

TIER 2 DATA

TOTAL STOPS: 5,312

STREET ADDRESS OR APPROXIMATE LOCATION OF STOP.

City Street	5,282
US Highway	1
State Highway	1
County Road	7
Private Property	21

WAS RACE OR ETHNICITY KNOWN PRIOR TO STOP?

Yes	88
No	5,224

RACE OR ETHNICITY

Alaska Native/American Indian	108
Asian/Pacific Islander	280
Black	573
White	3,652
Hispanic/Latino	699

GENDER

Female Total: 2,018

Alaska Native/American Indian	25
Asian/Pacific Islander	121
Black	209
White	1,466
Hispanic/Latino	197

Male Total: 3,294

Alaska Native/American Indian	83
Asian/Pacific Islander	159
Black	364
White	2,186
Hispanic/Latino	502

REASON FOR STOP?

Violation of Law Total: 171

Alaska Native/American Indian	2
Asian/Pacific Islander	5
Black	16
White	109
Hispanic/Latino	39

Pre-existing Knowledge Total: 13

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	4
White	9
Hispanic/Latino	0

Moving Traffic Violation Total: 3,754

Alaska Native/American Indian	82
Asian/Pacific Islander	232
Black	385
White	2,572
Hispanic/Latino	483

TIER 2 DATA

Vehicle Traffic Violation Total: 1,374

Alaska Native/American Indian	24
Asian/Pacific Islander	43
Black	168
White	962
Hispanic/Latino	177

Contraband (in plain view) Total: 0

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	0
White	0
Hispanic/Latino	0

WAS SEARCH CONDUCTED?

	YES	NO
Alaska Native/American Indian	0	108
Asian/Pacific Islander	1	279
Black	17	556
White	28	3,624
Hispanic/Latino	9	690
TOTAL	55	5,257

Probable Cause Total: 49

Alaska Native/American Indian	0
Asian/Pacific Islander	1
Black	17
White	22
Hispanic/Latino	9

Inventory Total: 3

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	0
White	3
Hispanic/Latino	0

REASON FOR SEARCH?

Consent Total: 2

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	0
White	2
Hispanic/Latino	0

Incident to Arrest Total: 1

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	0
White	1
Hispanic/Latino	0

TIER 2 DATA

WAS CONTRABAND DISCOVERED?

	YES	NO
Alaska Native/American Indian	0	0
Asian/Pacific Islander	1	0
Black	16	1
White	23	5
Hispanic/Latino	7	2
TOTAL	47	8

Did the finding result in arrest?

	YES	NO
Alaska Native/American Indian	0	0
Asian/Pacific Islander	0	1
Black	0	16
White	1	22
Hispanic/Latino	0	7
TOTAL	1	46

DESCRIPTION OF CONTRABAND

Drugs Total: 40

Alaska Native/American Indian	0
Asian/Pacific Islander	1
Black	13
White	19
Hispanic/Latino	7

Currency Total: 0

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	0
White	0
Hispanic/Latino	0

Weapons Total: 2

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	2
White	0
Hispanic/Latino	0

Alcohol Total: 9

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	1
White	8
Hispanic/Latino	0

Stolen Property Total: 1

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	0
White	0
Hispanic/Latino	1

Other Total: 9

Alaska Native/American Indian	0
Asian/Pacific Islander	1
Black	3
White	5
Hispanic/Latino	0

RESULT OF THE STOP
Verbal Warning Total: 33

Alaska Native/American Indian	0
Asian/Pacific Islander	4
Black	2
White	23
Hispanic/Latino	4

Written Warning Total: 3,167

Alaska Native/American Indian	61
Asian/Pacific Islander	174
Black	307
White	2,328
Hispanic/Latino	297

Citation Total: 2,103

Alaska Native/American Indian	47
Asian/Pacific Islander	102
Black	262
White	1,295
Hispanic/Latino	397

Written Warning and Arrest Total: 2

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	0
White	2
Hispanic/Latino	0

Citation and Arrest Total: 6

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	2
White	4
Hispanic/Latino	0

Arrest Total: 1

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	0
White	0
Hispanic/Latino	1

TIER 2 DATA

ARREST BASED ON

Violation of Penal Code Total: 7

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	2
White	5
Hispanic/Latino	0

Violation of Traffic Law Total: 0

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	0
White	0
Hispanic/Latino	0

Violation of City Ordinance Total: 0

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	0
White	0
Hispanic/Latino	0

Outstanding Warrant Total: 2

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	0
White	1
Hispanic/Latino	1

Was physical force used resulting in bodily injury during the stop?

	YES	NO
Alaska Native/American Indian	0	108
Asian/Pacific Islander	0	280
Black	0	573
White	0	3,652
Hispanic/Latino	0	699
TOTAL	0	5,312

Tables Illustrating Motor Vehicle Related Contact Data

Table 1. Citations and Warnings

Race/ Ethnicity	All Contacts	Citations	Verbal Warning	Written Warning	Contact Percent	Citation Percent	Verbal Percent	Written Percent
Alaska Native/ American Indian	108	47	0	61	2%	2%	0%	2%
Asian/ Pacific Islander	280	102	4	174	5%	5%	12%	5%
Black	573	264	2	307	11%	13%	6%	10%
White	3,652	1,299	23	2,328	69%	62%	70%	74%
Hispanic/ Latino	699	397	4	297	13%	19%	12%	9%
TOTAL	5,312	2,109	33	3,167	100%	100%	100%	100%



Table 2. Motor Vehicle Contacts and Fair Roads Standard Comparison

Comparison of motor vehicle-related contacts with households that have vehicle access.

Race/Ethnicity	Contact Percentage	Households with Vehicle Access
Alaska Native/American Indian	2%	0%
Asian/Pacific Islander	5%	5%
Black	11%	14%
White	69%	60%
Hispanic/Latino	13%	19%
TOTAL	100%	98%

Table 3. Motor Vehicle Searches and Arrests.

Race/Ethnicity	Searches	Consent Searches	Arrests
Alaska Native/American Indian	0	0	0
Asian/Pacific Islander	1	0	0
Black	17	0	2
White	28	2	6
Hispanic/Latino	9	0	1
TOTAL	55	2	9

Table 4. Instances Where Peace Officers Used Physical Force Resulting in Bodily Injury

Instances Where Peace Officers Used Physical Force that Resulted in Bodily Injury	Arrest	Location of Stop	Reason for Stop

Table 5. Search Data

Race/ Ethnicity	Searches	Contraband Found Yes	Contraband Found No	Arrests	Percent Searches	Percent Contraband Found	Percent No Contraband	Percent Arrest
Alaska Native/ American Indian	0	0	0	0	0%	0%	0%	0%
Asian/ Pacific Islander	1	1	0	0	2%	2%	0%	0%
Black	17	16	1	2	31%	34%	13%	22%
White	28	23	5	6	51%	49%	63%	67%
Hispanic/ Latino	9	7	2	1	16%	15%	25%	11%
TOTAL	55	47	8	9	100%	100%	100%	100%

Table 6. Report on Audits.

The following table contains data regarding the number and outcome of required data audits during the period of 1/1/23-12/31/23.

Audit Data	Number of Data Audits Completed	Date of Completion	Outcome of Audit
1	1	03/01/23	Data was valid and reliable
2	1	06/01/23	Data was valid and reliable
3	1	09/01/23	Data was valid and reliable
4	1	12/01/23	Data was valid and reliable

ADDITIONAL COMMENTS:

Table 7. Instance Where Force Resulted in Bodily Injury.

Race/Ethnicity	Number	Percent
Alaska Native/American Indian	0	0%
Asian/Pacific Islander	0	0%
Black	0	0%
White	0	0%
Hispanic/Latino	0	0%
TOTAL	0	0%

Table 8. Reason for Arrests from Vehicle Contact

Race/ Ethnicity	Violation of Penal Code	Violation of Traffic Law	Violation of City Ordinance	Outstanding Warrant	Percent Penal Code	Percent Traffic Law	Percent City Ordinance	Percent Warrant
Alaska Native/ American Indian	0	0	0	0	0%	0%	0%	0%
Asian/ Pacific Islander	0	0	0	0	0%	0%	0%	0%
Black	2	0	0	0	29%	0%	0%	0%
White	5	0	0	1	71%	0%	0%	50%
Hispanic/ Latino	0	0	0	1	0%	0%	0%	50%
TOTAL	7	0	0	2	100%	0%	0%	100%

Table 9. Contraband Hit Rate

Race/ Ethnicity	Searches	Contraband Found Yes	Contraband Hit Rate	Search Percent	Contraband Percent
Alaska Native/ American Indian	0	0	0%	0%	0%
Asian/ Pacific Islander	1	1	100%	2%	2%
Black	17	16	94%	31%	34%
White	28	23	82%	51%	49%
Hispanic/Latino	9	7	78%	16%	15%

Analysis and Interpretation of Data

In 2001, the Texas Legislature passed Senate Bill 1074, which eventually became the Texas Racial Profiling Law. This particular law came into effect on January 1, 2002 and required all police departments in Texas to collect traffic-related data and report this information to their local governing authority by March 1 of each year. This law remained in place until 2009, when it was modified to include the collection and reporting of all motor vehicle-related contacts in which a citation was issued or an arrest was made. Further, the modification to the law further requires that all police officers indicate whether or not they knew the race or ethnicity of the individuals before detaining them. In addition, it became a requirement that agencies report motor vehicle-related data to their local governing authority and to the Texas Commission on Law Enforcement (TCOLE) by March 1 of each year. The purpose in collecting and disclosing this information is to determine if police officers in any particular municipality are engaging in the practice of racially profiling minority motorists.

One of the central requirements of the law is that police departments interpret motor vehicle-related data. Even though most researchers would likely agree that it is within the confines of good practice for police departments to be accountable to the citizenry while carrying a transparent image before the community, it is in fact very difficult to determine if individual police officers are engaging in racial profiling from a review and analysis of aggregate/institutional data. In other words, it is challenging for a reputable researcher to identify specific "individual" racist behavior from aggregate-level "institutional" data on traffic or motor vehicle-related contacts.

As previously noted, in 2009 the Texas Legislature passed House Bill 3389, which modified the Racial Profiling Law by adding new requirements; this took effect on January 1, 2010. The changes included, but are not limited to, the re-definition of a contact to include motor vehicle-related contacts in which a citation was issued or an arrest was made. In addition, it required police officers to indicate if they knew the race or ethnicity of the individual before detaining them. The 2009 law also required adding "Middle Eastern" to the racial and ethnic category and submitting the annual data report to TCOLE before March 1 of each year.

In 2017, the Texas Legislators passed HB 3051 which removed the Middle Eastern data requirement while standardizing the racial and ethnic categories relevant to the individuals that came in contact with police. In addition, the Sandra Bland Act (SB 1849) was passed and became law. Thus, the most significant legislative mandate (Sandra Bland Act) in Texas history regarding data requirements on law enforcement contacts became law and took effect on January 1, 2018. The Sandra Bland Act not only currently requires the extensive collection of data relevant to police motor vehicle contacts, but it also mandates for the data to be analyzed while addressing the following:

1. A comparative analysis of the information compiled (under Article 2.133):

- 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;*
- 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.*

2. Information related to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

As part of their effort to comply with The Texas Racial Profiling/Sandra Bland Law, the Trophy Club Police Department commissioned the analysis of its 2023 contact data. Hence, two different types of data analyses were performed. The first of these involved a careful evaluation of the 2023 motor vehicle-related data. This particular analysis measured, as required by the law, the number and percentage of Whites, Blacks, Hispanics or Latinos, Asians and Pacific Islanders, Alaska Natives and American Indians (Middle Easterners and individuals belonging to the “other” category, as optional categories), who came in contact with police in the course of a motor vehicle-related contact and were either issued a ticket, citation, or warning or an arrest was made. Also included in this data were instances when a motor vehicle contact took place for an alleged violation of the law or ordinance. The Tier 2 data analysis included, but was not limited to, information relevant to the number and percentage of contacts by race/ethnicity, gender, reason for the stop, location of stop, searches while indicating the type of search performed, result of stop, basis of an arrest, and use of physical force resulting in bodily injury.

The analysis on the data performed in this report, was based on a comparison of the 2023 motor vehicle contact data with a specific baseline. When reading this particular analysis, one should consider that there is disagreement in the literature regarding the appropriate baseline to be used when analyzing motor vehicle-related contact information. Of the baseline measures available, the Trophy Club Police Department accepted our recommendation to rely, as a baseline measure, on the Fair Roads Standard. This particular baseline is established on data obtained through the U.S. Census Bureau (2020) relevant to the number of households that have access to vehicles while controlling for the race and ethnicity of the heads of households.

It should be noted that the census data presents challenges to any effort made at establishing a fair and accurate racial profiling analysis. That is, census data contains information on all residents of a particular community, regardless whether they are among the driving population. Further, census data, when used as a baseline of comparison, presents the challenge that it captures information related to city residents only, thus excluding individuals who may have come in contact with the Trophy Club Police Department in 2023 but live outside city limits. In some jurisdictions the percentage of the population that comes in contact with the police but lives outside city limits represents a substantial volume of all motor vehicle-related contacts made in a given year.

In 2002, some civil rights groups in Texas expressed their concern and made recommendations to the effect that all police departments should rely, in their data analysis, on the Fair Roads Standard. This source contains census data specific to the number of “households” that have access to vehicles. Thus, proposing to compare “households” (which may have multiple residents and only a few vehicles) with “contacts” (an individual-based count). In essence this constitutes a comparison that may result in ecological fallacy. Despite this risk, as noted earlier, the Trophy Club Police Department accepted the recommendation to utilize this form of comparison (i.e., census data relevant to households with vehicles) in an attempt to demonstrate its “good will” and “transparency” before the community. Thus, the Fair Roads Standard data obtained and used in this study is specifically relevant to the Dallas Fort-Worth (DFW) Metroplex.

Tier 2 (2023) Motor Vehicle-Related Contact Analysis

When examining the enhanced and more detailed Tier 2 data collected in 2023, it was evident that most motor vehicle-related contacts were made with Whites, followed by Hispanics. Of those who came in contact with police, most tickets or citations were issued to Whites and Hispanics; this was followed by Blacks. However, in terms of written warnings, most of these were issued to Whites, followed by Blacks.

While reviewing searches and arrests, the data showed that most searches took place among Whites. When considering all searches, most were consented by Whites, while most custody arrests were also of Whites. Overall, most searches resulted in contraband; of those that produced contraband, most were of Whites; this was followed by Blacks. Of the searches that did not produce contraband, most were of Whites. Most arrests were made of Whites. Most of the arrests that originated from a violation of the penal code involved Whites. Overall, the police department does not report any instances where force was used that resulted in bodily injury.

Comparative Analysis

A comprehensive analysis of the motor vehicle contacts made in 2023 to the census data relevant to the number of “households” in DFW who indicated in the 2020 census that they had access to vehicles, produced interesting findings. Specifically, the percentage of Blacks, Hispanics, and Asians who came in contact with police was the same or lower than the percentage of Black, Hispanic, and Asian households in DFW that claimed in the last census to have access to vehicles. The opposite was true of Whites and American Indians. That is, a higher percentage of Whites and American Indians came in contact with police than the percentage of White and American Indian households in DFW that claimed in the last census to have access to vehicles. It should be noted that the percentage difference among American Indian contacts with households is of less than 3%; thus, deemed by some as statistically insignificant.

The comprehensive analysis of the searches resulting in contraband shows that the most significant contraband hit rate is of Asians. This was followed by Blacks and Whites. This means that among all searches performed in 2023, the most significant percentage of these that resulted in contraband was among Asians. The lowest contraband hit rate was among Hispanics.

Summary of Findings

As referenced earlier, the most recent Texas Racial Profiling Law requires that police departments perform data audits in order to validate the data being reported. Consistent with this requirement, the Trophy Club Police Department has engaged del Carmen Consulting, LLC in order to perform these audits in a manner consistent with normative statistical practices. As shown in Table 6, the audit performed reveals that the data is valid and reliable. Further, as required by law, this report also includes an analysis on the searches performed. This analysis includes information on whether contraband was found as a result of the search while controlling for race/ethnicity. The search analysis demonstrates that the police department is engaging in search practices consistent with national trends in law enforcement.

While considering the findings produced as a result of this analysis, it is recommended that the Trophy Club Police Department should continue to collect and evaluate additional information on motor vehicle contact data (i.e., reason for probable cause searches, contraband detected), which may prove to be useful when determining the nature of the contacts police officers are making with all individuals.

As part of this effort, the Trophy Club Police Department should continue to:

- 1) Perform an independent analysis on contact and search data in the upcoming year.
- 2) Commission data audits in 2024 in order to assess data integrity; that is, to ensure that the data collected is consistent with the data being reported.

The comprehensive data analysis performed serves as evidence that the Trophy Club Police Department has complied with the Texas Racial Profiling Law and all of its requirements. Further, the report demonstrates that the police department has incorporated a comprehensive racial profiling policy, currently offers information to the public on how to file a compliment or complaint, commissions quarterly data audits in order to ensure validity and reliability, collects and commissions the analysis of Tier 2 data, and ensures that the practice of racial profiling will not be tolerated.

Checklist

The following requirements were met by the Trophy Club Police Department in accordance with The Texas Racial Profiling Law:

- ✔ Implement a Racial Profiling Policy citing act or actions that constitute racial profiling.
- ✔ Include in the racial profiling policy, a statement indicating prohibition of any peace officer employed by the Trophy Club Police Department from engaging in racial profiling.
- ✔ Implement a process by which an individual may file a complaint regarding racial profiling violations.
- ✔ Provide public education related to the compliment and complaint process.
- ✔ Implement disciplinary guidelines for officers found in violation of the Texas Racial Profiling Law.
- ✔ Collect, report and analyze motor vehicle data (Tier 2).
- ✔ Commission Data Audits and a Search Analysis.
- ✔ Indicate total number of officers who knew and did not know, the race/ethnicity of individuals before being detained.
- ✔ Produce an annual report on police contacts (Tier 2) and present this to the local governing body and TCOLE by March 1, 2024.
- ✔ Adopt a policy, if video/audio equipment is installed, on standards for reviewing video and audio documentation.



Legislative & Administrative *Addendum*

FEDERAL
TAX
REGULATIONS

TCOLE GUIDELINES

Guidelines for Compiling and Reporting Data under Senate Bill 1074

Background

Senate Bill 1074 of the 77th Legislature established requirements in the Texas Code of Criminal Procedure (TCCP) for law enforcement agencies. The Commission developed this document to assist agencies in complying with the statutory requirements.

The guidelines are written in the form of standards using a style developed from accreditation organizations including the Commission on Accreditation for Law Enforcement Agencies (CALEA). The standards provide a description of **what** must be accomplished by an agency but allows wide latitude in determining **how** the agency will achieve compliance with each applicable standard.

Each standard is composed of two parts: the standard statement and the commentary. The *standard statement* is a declarative sentence that places a clear-cut requirement, or multiple requirements, on an agency. The commentary supports the standard statement but is not binding. The commentary can serve as a prompt, as guidance to clarify the intent of the standard, or as an example of one possible way to comply with the standard.

Standard 1

Each law enforcement agency has a detailed written directive that:

- clearly defines acts that constitute racial profiling;
- strictly prohibits peace officers employed by the agency from engaging in racial profiling;
- implements a process by which an individual may file a complaint with the agency if the individual believes a peace officer employed by the agency has engaged in racial profiling with respect to the individual filing the complaint;
- provides for public education relating to the complaint process;
- requires appropriate corrective action to be taken against a peace officer employed by the agency who, after investigation, is shown to have engaged in racial profiling in violation of the agency's written racial profiling policy; and
- requires the collection of certain types of data for subsequent reporting.

Commentary

Article 2.131 of the TCCP prohibits officers from engaging in racial profiling, and article 2.132 of the TCCP now requires a written policy that contains the elements listed in this standard. The article also specifically defines a law enforcement agency as it applies to this statute as an “agency of the state, or of a county, municipality, or other political subdivision of the state, that employs peace officers who make traffic stops in the routine performance of the officers’ official duties.”

The article further defines race or ethnicity as being of “a particular descent, including Caucasian, African, Hispanic, Asian, or Native American.” The statute does not limit the required policies to just these ethnic groups.

This written policy is to be adopted and implemented no later than January 1, 2002.

Standard 2

Each peace officer who stops a motor vehicle for an alleged violation of a law or ordinance regulating traffic, or who stops a pedestrian for any suspected offense reports to the employing law enforcement agency information relating to the stop, to include:

- a physical description of each person detained, including gender and the person’s race or ethnicity, as stated by the person, or, if the person does not state a race or ethnicity, as determined by the officer’s best judgment;
- the traffic law or ordinance alleged to have been violated or the suspected offense;
- whether the officer conducted a search as a result of the stop and, if so, whether the person stopped consented to the search;
- whether any contraband was discovered in the course of the search, and the type of contraband discovered;
- whether probable cause to search existed, and the facts supporting the existence of that probable cause;
- whether the officer made an arrest as a result of the stop or the search, including a statement of the offense charged;
- the street address or approximate location of the stop; and
- whether the officer issued a warning or citation as a result of the stop, including a description of the warning or a statement of the violation charged.

Commentary

The information required by 2.133 TCCP is used to complete the agency reporting requirements found in Article 2.134. A peace officer and an agency may be exempted from this requirement under Article 2.135 TCCP Exemption for Agencies Using Video and Audio Equipment. An agency may be exempt from this reporting requirement by applying for the funds from the Department of Public Safety for video and audio equipment and the State does not supply those funds. Section 2.135 (a)(2) states, “the governing body of the county or municipality served by the law enforcement agency, in conjunction with the law enforcement agency, certifies to the Department of Public Safety, not later than the date specified by rule by the department, that the law enforcement agency needs funds or video and audio equipment for the purpose of installing video and audio equipment as described by Subsection (a) (1) (A) and the agency does not receive from the state funds for video and audio equipment sufficient, as determined by the department, for the agency to accomplish that purpose.”

Standard 3

The agency compiles the information collected under 2.132 and 2.133 and analyzes the information identified in 2.133.

Commentary

Senate Bill 1074 from the 77th Session of the Texas Legislature created requirements for law enforcement agencies to gather specific information and to report it to each county or municipality served. New sections of law were added to the Code of Criminal Procedure regarding the reporting of traffic and pedestrian stops. Detained is defined as when a person stopped is not free to leave.

Article 2.134 TCCP requires the agency to compile and provide an analysis of the information collected by peace officer employed by the agency. The report is provided to the governing body of the municipality or county no later than March 1 of each year and covers the previous calendar year.

There is data collection and reporting required based on Article 2.132 CCP (tier one) and Article 2.133 CCP (tier two).

The minimum requirements for “tier one” data for traffic stops in which a citation results are:

- 1) the race or ethnicity of individual detained (race and ethnicity as defined by the bill means of “a particular descent, including Caucasian, African, Hispanic, Asian, or Native American”);
- 2) whether a search was conducted, and if there was a search, whether it was a consent search or a probable cause search; and
- 3) whether there was a custody arrest.

The minimum requirements for reporting on “tier two” reports include traffic and pedestrian stops. Tier two data include:

- 1) the detained person’s gender and race or ethnicity;
- 2) the type of law violation suspected, e.g., hazardous traffic, non-hazardous traffic, or other criminal investigation (the Texas Department of Public Safety publishes a categorization of traffic offenses into hazardous or non-hazardous);
- 3) whether a search was conducted, and if so whether it was based on consent or probable cause;
- 4) facts supporting probable cause;
- 5) the type, if any, of contraband that was collected;
- 6) disposition of the stop, e.g., arrest, ticket, warning, or release;
- 7) location of stop; and
- 8) statement of the charge, e.g., felony, misdemeanor, or traffic.

Tier one reports are made to the governing body of each county or municipality served by the agency an annual report of information if the agency is an agency of a county, municipality, or other political subdivision of the state. Tier one and two reports are reported to the county or municipality not later than March 1 for the previous calendar year beginning March 1, 2003. Tier two reports include a comparative analysis between the race and ethnicity of persons detained to see if a differential pattern of treatment can be discerned based on the disposition of stops

including searches resulting from the stops. The reports also include information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling. An agency may be exempt from the tier two reporting requirement by applying for the funds from the Department of Public Safety for video and audio equipment and the State does not supply those funds [See 2.135 (a)(2) TCCP].

Reports should include both raw numbers and percentages for each group. Caution should be exercised in interpreting the data involving percentages because of statistical distortions caused by very small numbers in any particular category, for example, if only one American Indian is stopped and searched, that stop would not provide an accurate comparison with 200 stops among Caucasians with 100 searches. In the first case, a 100% search rate would be skewed data when compared to a 50% rate for Caucasians.

Standard 4

If a law enforcement agency has video and audio capabilities in motor vehicles regularly used for traffic stops, or audio capabilities on motorcycles regularly used to make traffic stops, the agency:

- adopts standards for reviewing and retaining audio and video documentation; and
- promptly provides a copy of the recording to a peace officer who is the subject of a complaint on written request by the officer.

Commentary

The agency should have a specific review and retention policy. Article 2.132 TCCP specifically requires that the peace officer be promptly provided with a copy of the audio or video recordings if the officer is the subject of a complaint and the officer makes a written request.

Standard 5

Agencies that do not currently have video or audio equipment must examine the feasibility of installing such equipment.

Commentary

None

Standard 6

Agencies that have video and audio recording capabilities are exempt from the reporting requirements of Article 2.134 TCCP and officers are exempt from the reporting requirements of Article 2.133 TCCP provided that:

- the equipment was in place and used during the proceeding calendar year; and
- video and audio documentation is retained for at least 90 days.

Commentary

The audio and video equipment and policy must have been in place during the previous calendar year. Audio and video documentation must be kept for at least 90 days or longer if a complaint has been filed. The documentation must be retained until the complaint is resolved. Peace officers are not exempt from the requirements under Article 2.132 TCCP.

Standard 7

Agencies have citation forms or other electronic media that comply with Section 543.202 of the Transportation Code.

Commentary

Senate Bill 1074 changed Section 543.202 of the Transportation Code requiring citations to include:

- race or ethnicity, and
- whether a search of the vehicle was conducted and whether consent for the search was obtained.

The Texas Law on Racial Profiling

S.B. No. 1074 - An Act relating to the prevention of racial profiling by certain peace officers.
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 2, Code of Criminal Procedure, is amended by adding Articles 2.131 through 2.138 to read as follows:

Art. 2.131. RACIAL PROFILING PROHIBITED. A peace officer may not engage in racial profiling.

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 traffic stops in the routine performance of the officers' official duties.

(2) "Race or ethnicity" means of a particular descent, including Caucasian, African, Hispanic, Asian, or Native American descent.

(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 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 traffic stops in which a citation is issued and to arrests resulting from those traffic stops, including information relating to:

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

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

(7) require the agency to submit to the governing body of each county or municipality served by the agency an annual report of the information collected under Subdivision (6) 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 traffic stops and transmitter-activated equipment in each agency law enforcement motorcycle regularly used to make traffic stops. If a law enforcement agency installs video or audio equipment 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 traffic 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.

Art. 2.133. REPORTS REQUIRED FOR TRAFFIC AND PEDESTRIAN STOPS. (a) In this article:

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

(2) "Pedestrian stop" means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.

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

(1) a physical description of each person 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 traffic law or ordinance alleged to have been violated or the suspected offense;

(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 was discovered in the course of the search and the type of contraband discovered;

(5) whether probable cause to search existed and the facts supporting the existence of that probable cause;

(6) whether the officer made an arrest as a result of the stop or the search, including a statement of the offense charged;

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

(8) whether the officer issued a warning or a citation as a result of the stop, including a description of the warning or a statement of the violation charged.

Art. 2.134. COMPILATION AND ANALYSIS OF INFORMATION COLLECTED.

(a) In this article, "pedestrian stop" means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.

(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 local law enforcement agency shall submit a report containing the information compiled

during the previous calendar year to the governing body of each county or municipality served by the agency in a manner approved by the agency.

(c) A report required under Subsection (b) must include:

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

(A) determine the prevalence of racial profiling by peace officers employed by the agency; and

(B) examine the disposition of traffic and pedestrian stops made by officers employed by the agency, including searches resulting from the stops; 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 traffic or pedestrian 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 Commission on Law Enforcement Officer Standards and Education 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.

Art. 2.135. EXEMPTION FOR AGENCIES USING VIDEO AND AUDIO EQUIPMENT. (a) A peace officer is exempt from the reporting requirement under Article 2.133 and a law enforcement agency is exempt from the compilation, analysis, and reporting requirements under Article 2.134 if:

(1) during the calendar year preceding the date that a report under Article 2.134 is required to be submitted:

(A) each law enforcement motor vehicle regularly used by an officer employed by the agency to make traffic and pedestrian stops is equipped with video camera and transmitter-activated equipment and each law enforcement motorcycle regularly used to make traffic and pedestrian stops is equipped with transmitter-activated equipment; and

(B) each traffic and pedestrian stop made by an officer employed by the agency that is capable of being recorded by video and audio or audio equipment, as appropriate, is recorded by using the equipment; or

(2) the governing body of the county or municipality served by the law enforcement agency, in conjunction with the law enforcement agency, certifies to the Department of Public Safety, not later than the date specified by rule by the department, that the law enforcement agency needs funds or video and audio equipment for the purpose of installing video and audio equipment as described by Subsection (a)(1)(A) and the agency does not receive from the state funds or video and audio equipment sufficient, as determined by the department, for the agency to accomplish that purpose.

(b) Except as otherwise provided by this subsection, a law enforcement agency that is exempt from the requirements under Article 2.134 shall retain the video and audio or audio documentation of each traffic and pedestrian stop for at least 90 days after the date of the stop. If a complaint is filed with the law enforcement agency alleging that a peace officer employed by the agency has engaged in racial profiling with respect to a traffic or pedestrian stop, the agency shall retain the video and audio or audio record of the stop until final disposition of the complaint.

(c) This article does not affect the collection or reporting requirements under Article 2.132.

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.

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 as described by Article 2.135(a)(1)(A), 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 as described by Article 2.135(a)(1)(A). 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 as described by Article 2.135(a)(1)(A), 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 as described by Article 2.135(a)(1)(A), 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 installed video and audio equipment as described by Article 2.135(a)(1)(A) and is using the equipment as required by Article 2.135(a)(1).

Art. 2.138. RULES. The Department of Public Safety may adopt rules to implement Articles 2.131-2.137.

SECTION 2. Chapter 3, Code of Criminal Procedure, is amended by adding Article 3.05 to read as follows:

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.

SECTION 3. Section 96.641, Education Code, is amended by adding Subsection (j) to read as follows:

(j) As part of the initial training and continuing education for police chiefs required under this section, the institute shall establish a program on racial profiling. The program must include an examination of the best practices for:

(1) monitoring peace officers' compliance with laws and internal agency policies relating to racial profiling;

(2) implementing laws and internal agency policies relating to preventing racial profiling;
and

(3) analyzing and reporting collected information.

SECTION 4. Section 1701.253, Occupations Code, is amended by adding Subsection (e) to read as follows:

(e) As part of the minimum curriculum requirements, the commission shall establish a statewide comprehensive education and training program on racial profiling for officers licensed under this chapter. An officer shall complete a program established under this subsection not later than the second anniversary of the date the officer is licensed under this chapter or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier.

SECTION 5. Section 1701.402, Occupations Code, is amended by adding Subsection (d) to read as follows:

(d) As a requirement for an intermediate proficiency certificate, an officer must complete an education and training program on racial profiling established by the commission under Section 1701.253(e).

SECTION 6. Section 543.202, Transportation Code, is amended to read as follows:

Sec. 543.202. FORM OF RECORD. (a) In this section, "race or ethnicity" means of a particular descent, including Caucasian, African, Hispanic, Asian, or Native American descent.

(b) The record must be made on a form or by a data processing method acceptable to the department and must include:

(1) the name, address, physical description, including race or ethnicity, date of birth, and driver's license number of the person charged;

(2) the registration number of the vehicle involved;

(3) whether the vehicle was a commercial motor vehicle as defined by Chapter 522 or was involved in transporting hazardous materials;

(4) the person's social security number, if the person was operating a commercial motor vehicle or was the holder of a commercial driver's license or commercial driver learner's permit;

(5) the date and nature of the offense, including whether the offense was a serious traffic violation as defined by Chapter 522;

(6) whether a search of the vehicle was conducted and whether consent for the search was obtained;

(7) the plea, the judgment, and whether bail was forfeited;

(8) ~~[(7)]~~ the date of conviction; and

(9) ~~[(8)]~~ the amount of the fine or forfeiture.

SECTION 7. Not later than January 1, 2002, a law enforcement agency shall adopt and implement a policy and begin collecting information under the policy as required by Article 2.132, Code of Criminal Procedure, as added by this Act. A local law enforcement agency shall first submit information to the governing body of each county or municipality served by the agency as required by Article 2.132, Code of Criminal Procedure, as added by this Act, on March 1, 2003. The first submission of information shall consist of information compiled by the agency during the period beginning January 1, 2002, and ending December 31, 2002.

SECTION 8. A local law enforcement agency shall first submit information to the governing body of each county or municipality served by the agency as required by Article 2.134, Code of Criminal Procedure, as added by this Act, on March 1, 2004. The first submission of information shall consist of information compiled by the agency during the period beginning January 1, 2003, and ending December 31, 2003.

SECTION 9. Not later than January 1, 2002:

(1) the Commission on Law Enforcement Officer Standards and Education shall establish an education and training program on racial profiling as required by Subsection (e), Section 1701.253, Occupations Code, as added by this Act; and

(2) the Bill Blackwood Law Enforcement Management Institute of Texas shall establish a program on racial profiling as required by Subsection (j), Section 96.641, Education Code, as added by this Act.

SECTION 10. A person who on the effective date of this Act holds an intermediate proficiency certificate issued by the Commission on Law Enforcement Officer Standards and Education or has held a peace officer license issued by the Commission on Law Enforcement Officer Standards and Education for at least two years shall complete an education and training program on racial profiling established under Subsection (e), Section 1701.253, Occupations Code, as added by this Act, not later than September 1, 2003.

SECTION 11. An individual appointed or elected as a police chief before the effective date of this Act shall complete a program on racial profiling established under Subsection (j), Section 96.641, Education Code, as added by this Act, not later than September 1, 2003.

SECTION 12. This Act takes effect September 1, 2001

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1074 passed the Senate on April 4, 2001, by the following vote: Yeas 28, Nays 2; May 21, 2001, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 22, 2001, House granted request of the Senate; May 24, 2001, Senate adopted Conference Committee Report by a viva-voce vote.

Secretary of the Senate

I hereby certify that S.B. No. 1074 passed the House, with amendments, on May 15, 2001, by a non-record vote; May 22, 2001, House granted request of the Senate for appointment of Conference Committee; May 24, 2001, House adopted Conference Committee Report by a non-record vote.

Chief Clerk of the House

Approved:

Date

Governor

Modifications to the Original Law

(H.B. 3389)

Amend CSHB 3389 (Senate committee report) as follows:

(1) Strike the following SECTIONS of the bill:

(A) SECTION 8, adding Section 1701.164, Occupations Code (page 4, lines 61-66);

(B) SECTION 24, amending Article 2.132(b), Code of Criminal Procedure (page 8, lines 19-53);

(C) SECTION 25, amending Article 2.134(b), Code of Criminal Procedure (page 8, lines 54-64);

(D) SECTION 28, providing transition language for the amendments to Articles 2.132(b) and 2.134(b), Code of Criminal Procedure (page 9, lines 40-47).

(2) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS of the bill accordingly: SECTION _____. Article 2.132, Code of Criminal Procedure, is amended by amending Subsections (a),(b), (d), and (e) and adding Subsection (g) to read as follows:

(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~~[traffic]~~ 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 of a particular descent, including Caucasian, African, Hispanic, Asian, [or] Native American, or Middle Eastern descent.

(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 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 ~~[traffic]~~ stops in which a citation is issued and to arrests made as a result of ~~[resulting from]~~ those ~~[traffic]~~ stops, including information relating to:

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

(B) whether a search was conducted and, if so, whether the individual ~~[person]~~ 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 ~~[to the governing body of each county or~~

~~municipality served by the agency]~~ an annual report of the information collected under Subdivision (6) to:

(A) the Commission on Law Enforcement Officer Standards and Education; 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.

(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 ~~[traffic]~~ stops and transmitter activated equipment in each agency law enforcement motorcycle regularly used to make motor vehicle ~~[traffic]~~ stops. If a law enforcement agency installs video or audio equipment 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 ~~[traffic]~~ 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).

(g) On a finding by the Commission on Law Enforcement Officer Standards and Education 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.

SECTION _____. Article 2.133, Code of Criminal Procedure, is amended to read as follows:

Art. 2.133. REPORTS REQUIRED FOR MOTOR VEHICLE ~~[TRAFFIC AND PEDESTRIAN]~~ STOPS. (a) In this article, "race":

~~[(1) "Race]~~ or ethnicity" has the meaning assigned by Article 2.132(a).

~~[(2) "Pedestrian stop" means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.]~~

(b) A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance ~~[regulating traffic or who stops a pedestrian for any suspected offense]~~ shall report to the law enforcement agency that employs the officer information relating to the stop, including:

(1) a physical description of any ~~[each]~~ 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 ~~[traffic law or ordinance alleged to have been violated or the suspected offense];~~

(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 ~~[the type]~~ of the contraband or evidence ~~[discovered];~~

(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 ~~[existed and the facts supporting the existence of that probable cause];~~

(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; and

(8) whether the officer issued a written warning or a citation as a result of the stop~~[, including a description of the warning or a statement of the violation charged].~~

SECTION _____. Article 2.134, Code of Criminal Procedure, is amended by amending Subsections (a) through (e) and adding Subsection (g) to read as follows:

(a) In this article:

(1) "Motor vehicle[, "pedestrian] stop" has the meaning assigned by Article 2.132(a) ~~[means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest].~~

(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 ~~[local]~~ law enforcement agency shall submit a report containing the incident-based data ~~[information]~~ compiled during the previous calendar year to the Commission on Law Enforcement Officer Standards and Education 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 ~~[in a manner approved 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 ~~[determine the prevalence of racial profiling by peace officers employed by the agency]; and~~

(B) examine the disposition of motor vehicle ~~[traffic and pedestrian]~~ 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 [the] stops within the applicable jurisdiction; 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 ~~[traffic or pedestrian]~~ 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 Commission on Law Enforcement Officer Standards and Education, in accordance with Section 1701.162, Occupations Code, shall develop guidelines for compiling and reporting information as required by this article.

(g) On a finding by the Commission on Law Enforcement Officer Standards and Education 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.

SECTION _____. Article 2.135, Code of Criminal Procedure, is amended to read as follows:

Art. 2.135. PARTIAL EXEMPTION FOR AGENCIES USING VIDEO AND AUDIO EQUIPMENT. (a) A peace officer is exempt from the reporting requirement under Article 2.133 and the chief administrator of a law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, is exempt from the compilation, analysis, and reporting requirements under Article 2.134 if:

(1) during the calendar year preceding the date that a report under Article 2.134 is required to be submitted:

(A) each law enforcement motor vehicle regularly used by an officer employed by the agency to make motor vehicle ~~[traffic and pedestrian]~~ stops is equipped with video camera and transmitter-activated equipment and each law enforcement motorcycle regularly used to make motor vehicle ~~[traffic and pedestrian]~~ stops is equipped with transmitter-activated equipment; and

(B) each motor vehicle ~~[traffic and pedestrian]~~ stop made by an officer employed by the agency that is capable of being recorded by video and audio or audio equipment, as appropriate, is recorded by using the equipment; or

(2) the governing body of the county or municipality served by the law enforcement agency, in conjunction with the law enforcement agency, certifies to the Department of Public Safety, not later than the date specified by rule by the department, that the law enforcement agency needs funds or video and audio equipment for the purpose of installing video and audio equipment as described by Subsection (a)(1)(A) and the agency does not receive from the state funds or video and audio equipment sufficient, as determined by the department, for the agency to accomplish that purpose.

(b) Except as otherwise provided by this subsection, a law enforcement agency that is exempt from the requirements under Article 2.134 shall retain the video and audio or audio documentation of each motor vehicle ~~[traffic and pedestrian]~~ stop for at least 90 days after the date of the stop. If a complaint is filed with the law enforcement agency alleging that a peace officer employed by the agency has engaged in racial profiling with respect to a motor vehicle ~~[traffic or pedestrian]~~ stop, the agency shall retain the video and audio or audio record of the stop until final disposition of the complaint.

(c) This article does not affect the collection or reporting requirements under Article 2.132.

(d) In this article, "motor vehicle stop" has the meaning assigned by Article 2.132(a).

SECTION _____. Chapter 2, Code of Criminal Procedure, is amended by adding Article 2.1385 to read as follows:

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 the amount of \$1,000 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.

SECTION _____. Subchapter A, Chapter 102, Code of Criminal Procedure, is amended by adding Article 102.022 to read as follows:

Art. 102.022. COSTS ON CONVICTION TO FUND STATEWIDE REPOSITORY FOR DATA RELATED TO CIVIL JUSTICE. (a) In this article, "moving violation" means an offense that:

(1) involves the operation of a motor vehicle; and

(2) is classified as a moving violation by the Department of Public Safety under Section 708.052, Transportation Code.

(b) A defendant convicted of a moving violation in a justice court, county court, county court at law, or municipal court shall pay a fee of 10 cents as a cost of court.

(c) In this article, a person is considered convicted if:

(1) a sentence is imposed on the person;

(2) the person receives community supervision, including deferred adjudication; or

(3) the court defers final disposition of the person's case.

(d) The clerks of the respective courts shall collect the costs described by this article. The clerk shall keep separate records of the funds collected as costs under this article and shall deposit the funds in the county or municipal treasury, as appropriate.

(e) The custodian of a county or municipal treasury shall:

(1) keep records of the amount of funds on deposit collected under this article; and

(2) send to the comptroller before the last day of the first month following each calendar quarter the funds collected under this article during the preceding quarter.

(f) A county or municipality may retain 10 percent of the funds collected under this article by an officer of the county or municipality as a collection fee if the custodian of the county or municipal treasury complies with Subsection (e).

(g) If no funds due as costs under this article are deposited in a county or municipal treasury in a calendar quarter, the custodian of the treasury shall file the report required for the quarter in the regular manner and must state that no funds were collected.

(h) The comptroller shall deposit the funds received under this article to the credit of the Civil Justice Data Repository fund in the general revenue fund, to be used only by the Commission on Law Enforcement Officer Standards and Education to implement duties under Section 1701.162, Occupations Code.

(i) Funds collected under this article are subject to audit by the comptroller.

SECTION _____. (a) Section 102.061, Government Code, as reenacted and amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, is amended to conform to the amendments made to Section 102.061, Government Code, by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session, 2007, and is further amended to read as follows:

Sec. 102.061. ADDITIONAL COURT COSTS ON CONVICTION IN STATUTORY COUNTY COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a statutory county court shall collect fees and costs under the Code of Criminal Procedure on conviction of a defendant as follows:

(1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$20;

(2) a fee for services of the clerk of the court (Art. 102.005, Code of Criminal Procedure) . . . \$40;

- (3) a records management and preservation services fee (Art. 102.005, Code of Criminal Procedure) . . . \$25;
- (4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . \$3;
- (5) a juvenile delinquency prevention and graffiti eradication fee (Art. 102.0171, Code of Criminal Procedure) . . . \$50 [~~\$5~~]; [~~and~~]
- (6) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) . . . not to exceed \$5; and
- (7) a civil justice fee (Art. 102.022, Code of Criminal Procedure) . . . \$0.10.

(b) Section 102.061, Government Code, as amended by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session, 2007, is repealed. Section 102.061, Government Code, as reenacted and amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, to reorganize and renumber that section, continues in effect as further amended by this section.

SECTION _____. (a) Section 102.081, Government Code, as amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, is amended to conform to the amendments made to Section 102.081, Government Code, by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session, 2007, and is further amended to read as follows:

Sec. 102.081. ADDITIONAL COURT COSTS ON CONVICTION IN COUNTY COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a county court shall collect fees and costs under the Code of Criminal Procedure on conviction of a defendant as follows:

- (1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$20;
- (2) a fee for clerk of the court services (Art. 102.005, Code of Criminal Procedure) . . . \$40;
- (3) a records management and preservation services fee (Art. 102.005, Code of Criminal Procedure) . . . \$25;
- (4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . \$3;
- (5) a juvenile delinquency prevention and graffiti eradication fee (Art. 102.0171, Code of Criminal Procedure) . . . \$50 [~~\$5~~]; [~~and~~]
- (6) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) . . . not to exceed \$5; and
- (7) a civil justice fee (Art. 102.022, Code of Criminal Procedure) . . . \$0.10.

(b) Section 102.081, Government Code, as amended by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session, 2007, is repealed. Section 102.081, Government Code, as amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, to reorganize and renumber that section, continues in effect as further amended by this section.

SECTION _____. Section 102.101, Government Code, is amended to read as follows:

Sec. 102.101. ADDITIONAL COURT COSTS ON CONVICTION IN JUSTICE COURT: CODE OF CRIMINAL PROCEDURE. A clerk of a justice court shall collect fees and costs under the Code of Criminal Procedure on conviction of a defendant as follows:

- (1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$3;
- (2) a fee for withdrawing request for jury less than 24 hours before time of trial (Art. 102.004, Code of Criminal Procedure) . . . \$3;
- (3) a jury fee for two or more defendants tried jointly (Art. 102.004, Code of Criminal Procedure) . . . one jury fee of \$3;

- (4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . \$4;
- (5) a fee for technology fund on a misdemeanor offense (Art. 102.0173, Code of Criminal Procedure) . . . \$4;
- (6) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) . . . not to exceed \$5;
- (7) a fee on conviction of certain offenses involving issuing or passing a subsequently dishonored check (Art. 102.0071, Code of Criminal Procedure) . . . not to exceed \$30; ~~and~~
- (8) a court cost on conviction of a Class C misdemeanor in a county with a population of 3.3 million or more, if authorized by the county commissioners court (Art. 102.009, Code of Criminal Procedure) . . . not to exceed \$7; and
- (9) a civil justice fee (Art. 102.022, Code of Criminal Procedure) . . . \$0.10.

SECTION _____. Section 102.121, Government Code, is amended to read as follows:

Sec. 102.121. ADDITIONAL COURT COSTS ON CONVICTION IN MUNICIPAL COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a municipal court shall collect fees and costs on conviction of a defendant as follows:

- (1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$3;
- (2) a fee for withdrawing request for jury less than 24 hours before time of trial (Art. 102.004, Code of Criminal Procedure) . . . \$3;
- (3) a jury fee for two or more defendants tried jointly (Art. 102.004, Code of Criminal Procedure) . . . one jury fee of \$3;
- (4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . \$3;
- (5) a fee for technology fund on a misdemeanor offense (Art. 102.0172, Code of Criminal Procedure) . . . not to exceed \$4; ~~and~~
- (6) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) . . . not to exceed \$5; and
- (7) a civil justice fee (Art. 102.022, Code of Criminal Procedure) . . . \$0.10.

SECTION _____. Subchapter D, Chapter 1701, Occupations Code, is amended by adding Section 1701.164 to read as follows:

Sec. 1701.164. COLLECTION OF CERTAIN INCIDENT-BASED DATA SUBMITTED BY LAW ENFORCEMENT AGENCIES. The commission shall collect and maintain incident-based data submitted to the commission under Article 2.134, Code of Criminal Procedure, including incident-based data compiled by a law enforcement agency from reports received by the law enforcement agency under Article 2.133 of that code. The commission in consultation with the Department of Public Safety, the Bill Blackwood Law Enforcement Management Institute of Texas, the W. W. Caruth, Jr., Police Institute at Dallas, and the Texas Police Chiefs Association shall develop guidelines for submitting in a standard format the report containing incident-based data as required by Article 2.134, Code of Criminal Procedure.

SECTION _____. Subsection (a), Section 1701.501, Occupations Code, is amended to read as follows:

(a) Except as provided by Subsection (d), the commission shall revoke or suspend a license, place on probation a person whose license has been suspended, or reprimand a license holder for a violation of:

- (1) this chapter;

(2) the reporting requirements provided by Articles 2.132 and 2.134, Code of Criminal Procedure;
or

(3) a commission rule.

SECTION _____. (a) The requirements of Articles 2.132, 2.133, and 2.134, Code of Criminal Procedure, as amended by this Act, relating to the compilation, analysis, and submission of incident-based data apply only to information based on a motor vehicle stop occurring on or after January 1, 2010.

(b) The imposition of a cost of court under Article 102.022, Code of Criminal Procedure, as added by this Act, applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

Racial and Ethnic Designations (H.B. 3051)

H.B. No. 3051 - An Act relating to the categories used to record the race or ethnicity of persons stopped for or convicted of traffic offenses.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 2.132(a)(3), Code of Criminal Procedure, is amended to read as follows:

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

(A) Alaska native or American Indian;

(B) [of a particular descent, including Caucasian, African, Hispanic,] Asian or Pacific Islander;

(C) black;

(D) white; and

(E) Hispanic or Latino [~~Native American, or Middle Eastern descent~~].

SECTION 2. Section 543.202(a), Transportation Code, is amended to read as follows:

(a) In this section, "race or ethnicity" means the following categories:

(1) Alaska native or American Indian;

(2) [of a particular descent, including Caucasian, African, Hispanic,] Asian or Pacific Islander;

(3) black;

(4) white; and

(5) Hispanic or Latino [~~or Native American descent~~].

SECTION 3. This Act takes effect September 1, 2017.

President of the Senate

Speaker of the House

I certify that H.B. No. 3051 was passed by the House on May 4, 2017, by the following vote: Yeas 143, Nays 2, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 3051 was passed by the Senate on May 19, 2017, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor

The Sandra Bland Act

(S.B. 1849)

S.B. No. 1849

An Act relating to interactions between law enforcement and individuals detained or arrested on suspicion of the commission of criminal offenses, to the confinement, conviction, or release of those individuals, and to grants supporting populations that are more likely to interact frequently with law enforcement.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

ARTICLE 1. SHORT TITLE

SECTION 1.01. SHORT TITLE. This Act shall be known as the Sandra Bland Act, in memory of Sandra Bland.

ARTICLE 2. IDENTIFICATION AND DIVERSION OF AND SERVICES FOR PERSONS SUSPECTED OF HAVING A MENTAL ILLNESS, AN INTELLECTUAL DISABILITY, OR A SUBSTANCE ABUSE ISSUE

SECTION 2.01. Article 16.22, Code of Criminal Procedure, is amended to read as follows:

Art. 16.22. EARLY IDENTIFICATION OF DEFENDANT SUSPECTED OF HAVING MENTAL ILLNESS OR INTELLECTUAL DISABILITY [MENTAL RETARDATION]. (a)(1) Not later than 12 [72] hours after receiving credible information that may establish reasonable cause to believe that a defendant committed to the sheriff's custody has a mental illness or is a person with an intellectual disability [mental retardation], including observation of the defendant's behavior immediately before, during, and after the defendant's arrest and the results of any previous assessment of the defendant, the sheriff shall provide written or electronic notice of the information to the magistrate. On a determination that there is reasonable cause to believe that the defendant has a mental illness or is a person with an intellectual disability [mental retardation], the magistrate, except as provided by Subdivision

(2), shall order the local mental health or intellectual and developmental disability [mental retardation] authority or another qualified mental health or intellectual disability [mental retardation] expert to:

(A) collect information regarding whether the defendant has a mental illness as defined by Section 571.003,

Health and Safety Code, or is a person with an intellectual disability [mental retardation] as defined by Section 591.003, Health and Safety Code, including information obtained from any previous assessment of the defendant; and

(B) provide to the magistrate a written assessment of the information collected under Paragraph (A).

(2) The magistrate is not required to order the collection of information under Subdivision

(1) if the defendant in the year preceding the defendant's applicable date of arrest has been determined to have a mental illness or to be a person with an intellectual disability [mental retardation] by the local mental health or intellectual and developmental disability [mental retardation] authority or another mental health or intellectual disability [mental retardation] expert described by Subdivision

(1). A court that elects to use the results of that previous determination may proceed under Subsection (c).

(3) If the defendant fails or refuses to submit to the collection of information regarding the defendant as required under Subdivision (1), the magistrate may order the defendant to submit to an examination in a mental health facility determined to be appropriate by the local mental health or intellectual and developmental disability [mental retardation] authority for a reasonable period not to exceed 21 days. The magistrate may order a defendant to a facility operated by the Department of State Health Services or the Health and Human Services Commission [Department of Aging and Disability Services] for examination only on request of the local mental health or intellectual and developmental disability [mental retardation] authority and with the consent of the head of the facility. If a defendant who has been ordered to a facility operated by the Department of State Health Services or the Health and Human Services Commission [Department of Aging and Disability Services] for examination remains in the facility for a period exceeding 21 days, the head of that facility shall cause the defendant to be immediately transported to the committing court and placed in the custody of the sheriff of the county in which the committing court is located. That county shall reimburse the facility for the mileage and per diem expenses of the personnel required to transport the defendant calculated in accordance with the state travel regulations in effect at the time.

(b) A written assessment of the information collected under Subsection (a)(1)(A) shall be provided to the magistrate not later than the 30th day after the date of any order issued under Subsection (a) in a felony case and not later than the 10th day after the date of any order issued under that subsection in a misdemeanor case, and the magistrate shall provide copies of the written assessment to the defense counsel, the prosecuting attorney, and the trial court. The written assessment must include a description of the procedures used in the collection of information under Subsection (a)(1)(A) and the applicable expert's observations and findings pertaining to:

(1) whether the defendant is a person who has a mental illness or is a person with an intellectual disability [mental retardation];

(2) whether there is clinical evidence to support a belief that the defendant may be incompetent to stand trial and should undergo a complete competency examination under Subchapter B, Chapter 46B; and

(3) recommended treatment.

(c) After the trial court receives the applicable expert's written assessment relating to the defendant under Subsection (b) or elects to use the results of a previous determination as described by Subsection (a)(2), the trial court may, as applicable:

(1) resume criminal proceedings against the defendant, including any appropriate proceedings related to the defendant's release on personal bond under Article 17.032;

(2) resume or initiate competency proceedings, if required, as provided by Chapter 46B

or other proceedings affecting the defendant's receipt of appropriate court-ordered mental health or intellectual disability [mental retardation] services, including proceedings related to the defendant's receipt of outpatient mental health services under Section 574.034, Health and Safety Code; or

(3) consider the written assessment during the punishment phase after a conviction of the offense for which the defendant was arrested, as part of a presentence investigation report, or in connection with the impositions of conditions following placement on community supervision, including deferred adjudication community supervision.

(d) This article does not prevent the applicable court from, before, during, or after the collection of information regarding the defendant as described by this article: (1) releasing a defendant who has a mental illness [mentally ill] or is a person with an intellectual disability [mentally retarded defendant] from custody on personal or surety bond; or

(2) ordering an examination regarding the defendant's competency to stand trial.

SECTION 2.02. Chapter 16, Code of Criminal Procedure, is amended by adding Article 16.23 to read as follows:

Art. 16.23. DIVERSION OF PERSONS SUFFERING MENTAL HEALTH CRISIS OR SUBSTANCE ABUSE ISSUE. (a) Each law enforcement agency shall make a good faith effort to divert a person suffering a mental health crisis or suffering from the effects of substance abuse to a proper treatment center in the agency's jurisdiction if:

(1) there is an available and appropriate treatment center in the agency's jurisdiction to which the agency may divert the person;

(2) it is reasonable to divert the person;

(3) the offense that the person is accused of is a misdemeanor, other than a misdemeanor involving violence; and

(4) the mental health crisis or substance abuse issue is suspected to be the reason the person committed the alleged offense.

(b) Subsection (a) does not apply to a person who is accused of an offense under Section 49.04, 49.045, 49.05, 49.06, 49.065, 49.07, or 49.08, Penal Code.

SECTION 2.03. Section 539.002, Government Code, is amended to read as follows:

Sec. 539.002. GRANTS FOR ESTABLISHMENT AND EXPANSION OF COMMUNITY COLLABORATIVES. (a) To the extent funds are appropriated to the department for that purpose, the department shall make grants to entities, including local governmental entities, nonprofit community organizations, and faith-based community organizations, to establish or expand community collaboratives that bring the public and private sectors together to provide services to persons experiencing homelessness, substance abuse issues, or [and] mental illness. [The department may make a maximum of five grants, which must be made in the most populous municipalities in this state that are located in counties with a population of more than one million.] In awarding grants, the department shall give special consideration to entities:

(1) establishing [a] new collaboratives; or

(2) establishing or expanding collaboratives that serve two or more counties, each with a population of less than 100,000 [collaborative].

(b) The department shall require each entity awarded a grant under this section to:

(1) leverage additional funding from private sources in an amount that is at least equal to the amount of the grant awarded under this section; [and]

(2) provide evidence of significant coordination and collaboration between the entity, local mental health authorities, municipalities, local law enforcement agencies, and other community stakeholders in establishing or expanding a community collaborative funded by a grant awarded under this section; and

(3) provide evidence of a local law enforcement policy to divert appropriate persons from jails or other detention facilities to an entity affiliated with a community collaborative for the purpose of providing services to those persons.

SECTION 2.04. Chapter 539, Government Code, is amended by adding Section 539.0051 to read as follows:

Sec. 539.0051. PLAN REQUIRED FOR CERTAIN COMMUNITY COLLABORATIVES. (a) The governing body of a county shall develop and make public a plan detailing:

(1) how local mental health authorities, municipalities, local law enforcement agencies, and other community stakeholders in the county could coordinate to establish or expand a community collaborative to accomplish the goals of Section 539.002;

(2) how entities in the county may leverage funding from private sources to accomplish the goals of Section 539.002 through the formation or expansion of a community collaborative; and

(3) how the formation or expansion of a community collaborative could establish or support resources or services to help local law enforcement agencies to divert persons who have been arrested to appropriate mental health care or substance abuse treatment.

(b) The governing body of a county in which an entity that received a grant under Section 539.002 before September 1, 2017, is located is not required to develop a plan under Subsection (a).

(c) Two or more counties, each with a population of less than 100,000, may form a joint plan under Subsection (a).

ARTICLE 3. BAIL, PRETRIAL RELEASE, AND COUNTY JAIL STANDARDS

SECTION 3.01. The heading to Article 17.032, Code of Criminal Procedure, is amended to read as follows:

Art. 17.032. RELEASE ON PERSONAL BOND OF CERTAIN [MENTALLY ILL] DEFENDANTS WITH MENTAL ILLNESS OR INTELLECTUAL DISABILITY.

SECTION 3.02. Articles 17.032(b) and (c), Code of Criminal Procedure, are amended to read as follows:

(b) A magistrate shall release a defendant on personal bond unless good cause is shown

otherwise if the:

(1) defendant is not charged with and has not been previously convicted of a violent offense;

(2) defendant is examined by the local mental health or intellectual and developmental disability [mental retardation] authority or another mental health expert under Article 16.22 [of this code];

(3) applicable expert, in a written assessment submitted to the magistrate under Article 16.22:

(A) concludes that the defendant has a mental illness or is a person with an intellectual disability [mental retardation] and is nonetheless competent to stand trial; and

(B) recommends mental health treatment or intellectual disability treatment for the defendant, as applicable; and

(4) magistrate determines, in consultation with the local mental health or intellectual and developmental disability [mental retardation] authority, that appropriate community-based mental health or intellectual disability [mental retardation] services for the defendant are available through the [Texas] Department of State [Mental] Health Services [and Mental Retardation] under Section 534.053, Health and Safety Code, or through another mental health or intellectual disability [mental retardation] services provider.

(c) The magistrate, unless good cause is shown for not requiring treatment, shall require as a condition of release on personal bond under this article that the defendant submit to outpatient or inpatient mental health or intellectual disability [mental retardation] treatment as recommended by the local mental health or intellectual and developmental disability [mental retardation] authority if the defendant's:

(1) mental illness or intellectual disability [mental retardation] is chronic in nature; or

(2) ability to function independently will continue to deteriorate if the defendant is not treated.

SECTION 3.03. Article 25.03, Code of Criminal Procedure, is amended to read as follows:

Art. 25.03. IF ON BAIL IN FELONY. When the accused, in case of felony, is on bail at the time the indictment is presented, [it is not necessary to serve him with a copy, but] the clerk shall [on request] deliver a copy of the indictment [same] to the accused or the accused's [his] counsel[,] at the earliest possible time.

SECTION 3.04. Article 25.04, Code of Criminal Procedure, is amended to read as follows:

Art. 25.04. IN MISDEMEANOR. In misdemeanors, the clerk shall deliver a copy of the indictment or information to the accused or the accused's counsel at the earliest possible time before trial [it shall not be necessary before trial to furnish the accused with a copy of the indictment or information; but he or his counsel may demand a copy, which shall be given as early as possible

SECTION 3.05. Section 511.009(a), Government Code, as amended by Chapters 281 (H.B. 875), 648 (H.B. 549), and 688 (H.B. 634), Acts of the 84th Legislature, Regular Session, 2015, is reenacted and amended to read as follows:

- (a) The commission shall:
- (1) adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails;
 - (2) adopt reasonable rules and procedures establishing minimum standards for the custody, care, and treatment of prisoners;
 - (3) adopt reasonable rules establishing minimum standards for the number of jail supervisory personnel and for programs and services to meet the needs of prisoners;
 - (4) adopt reasonable rules and procedures establishing minimum requirements for programs of rehabilitation, education, and recreation in county jails;
 - (5) revise, amend, or change rules and procedures if necessary;
 - (6) provide to local government officials consultation on and technical assistance for county jails;
 - (7) review and comment on plans for the construction and major modification or renovation of county jails;
 - (8) require that the sheriff and commissioners of each county submit to the commission, on a form prescribed by the commission, an annual report on the conditions in each county jail within their jurisdiction, including all information necessary to determine compliance with state law, commission orders, and the rules adopted under this chapter;
 - (9) review the reports submitted under Subdivision (8) and require commission employees to inspect county jails regularly to ensure compliance with state law, commission orders, and rules and procedures adopted under this chapter;
 - (10) adopt a classification system to assist sheriffs and judges in determining which defendants are low-risk and consequently suitable participants in a county jail work release program under Article 42.034, Code of Criminal Procedure;
 - (11) adopt rules relating to requirements for segregation of classes of inmates and to capacities for county jails;
 - (12) require that the chief jailer of each municipal lockup submit to the commission, on a form prescribed by the commission, an annual report of persons under 17 years of age securely detained in the lockup, including all information necessary to determine compliance with state law concerning secure confinement of children in municipal lockups;
 - (13) at least annually determine whether each county jail is in compliance with the rules and procedures adopted under this chapter;
 - (14) require that the sheriff and commissioners court of each county submit to the commission, on a form prescribed by the commission, an annual report of persons under 17 years of age securely detained in the county jail, including all information necessary to determine compliance with state law concerning secure confinement of children in county jails;
 - (15) schedule announced and unannounced inspections of jails under the commission's jurisdiction using the risk assessment plan established under Section 511.0085 to guide the inspections process;
 - (16) adopt a policy for gathering and distributing to jails under the commission's jurisdiction information regarding:
 - (A) common issues concerning jail administration;
 - (B) examples of successful strategies for maintaining compliance with state law and the rules,

standards, and procedures of the commission; and

(C) solutions to operational challenges for jails;

(17) report to the Texas Correctional Office on Offenders with Medical or Mental Impairments on a jail's compliance with Article 16.22, Code of Criminal Procedure;

(18) adopt reasonable rules and procedures establishing minimum requirements for jails to:

(A) determine if a prisoner is pregnant; and

(B) ensure that the jail's health services plan addresses medical and mental health care, including nutritional requirements, and any special housing or work assignment needs for persons who are confined in the jail and are known or determined to be pregnant;

(19) provide guidelines to sheriffs regarding contracts between a sheriff and another entity for the provision of food services to or the operation of a commissary in a jail under the commission's jurisdiction, including specific provisions regarding conflicts of interest and avoiding the appearance of impropriety; [and]

(20) adopt reasonable rules and procedures establishing minimum standards for prisoner visitation that provide each prisoner at a county jail with a minimum of two in-person, noncontact visitation periods per week of at least 20 minutes duration each;

(21) [(20)] require the sheriff of each county to:

(A) investigate and verify the veteran status of each prisoner by using data made available from the Veterans Reentry Search Service (VRSS) operated by the United States Department of Veterans Affairs or a similar service; and

(B) use the data described by Paragraph (A) to assist prisoners who are veterans in applying for federal benefits or compensation for which the prisoners may be eligible under a program administered by the United States Department of Veterans Affairs;

(22) [(20)] adopt reasonable rules and procedures regarding visitation of a prisoner at a county jail by a guardian, as defined by Section 1002.012, Estates Code, that:

(A) allow visitation by a guardian to the same extent as the prisoner's next of kin, including placing the guardian on the prisoner's approved visitors list on the guardian's request and providing the guardian access to the prisoner during a facility's standard visitation hours if the prisoner is otherwise eligible to receive visitors; and

(B) require the guardian to provide the sheriff with letters of guardianship issued as provided by Section 1106.001, Estates Code, before being allowed to visit the prisoner; and

(23) adopt reasonable rules and procedures to ensure the safety of prisoners, including rules and procedures that require a county jail to:

(A) give prisoners the ability to access a mental health professional at the jail through a telemental health service 24 hours a day;

(B) give prisoners the ability to access a health professional at the jail or through a telehealth service 24 hours a day or, if a health professional is unavailable at the jail or through a telehealth service, provide for a prisoner to be transported to access a health professional; and

(C) if funding is available under Section 511.019, install automated electronic sensors or cameras to ensure accurate and timely in-person checks of cells or groups of cells confining at-risk individuals.

SECTION 3.06. Section 511.009, Government Code, is amended by adding Subsection (d) to read

as follows:

(d) The commission shall adopt reasonable rules and procedures establishing minimum standards regarding the continuity of prescription medications for the care and treatment of prisoners. The rules and procedures shall require that a qualified medical professional shall review as soon as possible any prescription medication a prisoner is taking when the prisoner is taken into custody.

SECTION 3.07. Chapter 511, Government Code, is amended by adding Sections 511.019, 511.020, and 511.021 to read as follows:

Sec. 511.019. PRISONER SAFETY FUND. (a) The prisoner safety fund is a dedicated account in the general revenue fund.

(b) The prisoner safety fund consists of:

(1) appropriations of money to the fund by the legislature; and
(2) gifts, grants, including grants from the federal government, and other donations received for the fund.

(c) Money in the fund may be appropriated only to the commission to pay for capital improvements that are required under Section 511.009(a)(23).

(d) The commission by rule may establish a grant program to provide grants to counties to fund capital improvements described by Subsection (c). The commission may only provide a grant to a county for capital improvements to a county jail with a capacity of not more than 96 prisoners.

Sec. 511.020. SERIOUS INCIDENTS REPORT. (a) On or before the fifth day of each month, the sheriff of each county shall report to the commission regarding the occurrence during the preceding month of any of the following incidents involving a prisoner in the county jail:

(1) a suicide;
(2) an attempted suicide;
(3) a death;
(4) a serious bodily injury, as that term is defined by
Section 1.07, Penal Code;
(5) an assault;
(6) an escape;
(7) a sexual assault; and
(8) any use of force resulting in bodily injury, as that term is defined by Section 1.07, Penal Code.

(b) The commission shall prescribe a form for the report required by Subsection (a).

(c) The information required to be reported under Subsection (a)(8) may not include the name or other identifying information of a county jailer or jail employee.

(d) The information reported under Subsection (a) is public information subject to an open records request under Chapter 552.

Sec. 511.021. INDEPENDENT INVESTIGATION OF DEATH OCCURRING IN COUNTY JAIL. (a) On the death of a prisoner in a county jail, the commission shall appoint a law enforcement agency, other

than the local law enforcement agency that operates the county jail, to investigate the death as soon as possible.

(b) The commission shall adopt any rules necessary relating to the appointment of a law enforcement agency under Subsection

(a), including rules relating to cooperation between law enforcement agencies and to procedures for handling evidence.

SECTION 3.08. The changes in law made by this article to Article 17.032, Code of Criminal Procedure, apply only to a personal bond that is executed on or after the effective date of this Act. A personal bond executed before the effective date of executed, and the former law is continued in effect for that purpose.

SECTION 3.09. Not later than January 1, 2018, the Commission on Jail Standards shall:

(1) adopt the rules and procedures required by Section 511.009(d), Government Code, as added by this article, and the rules required by Section 511.021(b), Government Code, as added by this article; and

(2) prescribe the form required by Section 511.020(b), Government Code, as added by this article.

SECTION 3.10. Not later than September 1, 2018, the Commission on Jail Standards shall adopt the rules and procedures required by Section 511.009(a)(23), Government Code, as added by this article. On and after September 1, 2020, a county jail shall comply with any rule or procedure adopted by the Commission on Jail Standards under that subdivision.

SECTION 3.11. To the extent of any conflict, this Act prevails over another Act of the 85th Legislature, Regular Session, 2017, relating to non-substantive additions to and corrections in enacted codes.

ARTICLE 4. PEACE OFFICER AND COUNTY JAILER TRAINING

SECTION 4.01. Chapter 511, Government Code, is amended by adding Section 511.00905 to read as follows:

Sec. 511.00905. JAIL ADMINISTRATOR POSITION; EXAMINATION REQUIRED. (a) The Texas Commission on Law Enforcement shall develop and the commission shall approve an examination for a person assigned to the jail administrator position overseeing a county jail.

(b) The commission shall adopt rules requiring a person, other than a sheriff, assigned to the jail administrator position overseeing a county jail to pass the examination not later than the 180th day after the date the person is assigned to that position. The rules must provide that a person who fails the examination may be immediately removed from the position and may not be reinstated until the person passes the examination.

(c) The sheriff of a county shall perform the duties of the jail administrator position at any time there is not a person available who satisfies the examination requirements of this

section.

(d) A person other than a sheriff may not serve in the jail administrator position of a county jail unless the person satisfies the examination requirement of this section.

SECTION 4.02. Section 1701.253, Occupations Code, is amended by amending Subsection (j) and adding Subsection (n) to read as follows: commission shall require an officer to complete a 40-hour statewide education and training program on de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments. An officer shall complete the program not later than the second anniversary of the date the officer is licensed under this chapter or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier. An officer may not satisfy the requirements of this subsection [section] or Section 1701.402(g) by taking an online course on de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments.

(n) As part of the minimum curriculum requirements, the commission shall require an officer to complete a statewide education and training program on de-escalation techniques to facilitate interaction with members of the public, including techniques for limiting the use of force resulting in bodily injury.

SECTION 4.03. Section 1701.310(a), Occupations Code, is amended to read as follows:

(a) Except as provided by Subsection (e), a person may not be appointed as a county jailer, except on a temporary basis, unless the person has satisfactorily completed a preparatory training program, as required by the commission, in the operation of a county jail at a school operated or licensed by the commission. The training program must consist of at least eight hours of mental health training approved by the commission and the Commission on Jail Standards.

SECTION 4.04. Section 1701.352(b), Occupations Code, is amended to read as follows:

(b) The commission shall require a state, county, special district, or municipal agency that appoints or employs peace officers to provide each peace officer with a training program at least once every 48 months that is approved by the commission and consists of:

- (1) topics selected by the agency; and
- (2) for an officer holding only a basic proficiency certificate, not more than 20 hours of education and training that contain curricula incorporating the learning objectives developed by the commission regarding:
 - (A) civil rights, racial sensitivity, and cultural diversity;
 - (B) de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments; [and]
 - (C) de-escalation techniques to facilitate interaction with members of the public, including techniques for limiting the use of force resulting in bodily injury; and
 - (D) unless determined by the agency head to be inconsistent with the officer's assigned duties:
 - (i) the recognition and documentation of cases that involve child abuse or neglect, family violence, and sexual assault; and
 - (ii) issues concerning sex offender characteristics.

SECTION 4.05. Section 1701.402, Occupations Code, is amended by adding Subsection (n) to read

as follows:

(n) As a requirement for an intermediate proficiency certificate or an advanced proficiency certificate, an officer must complete the education and training program regarding de-escalation techniques to facilitate interaction with members of the public established by the commission under Section 1701.253(n).

SECTION 4.06. Not later than March 1, 2018, the Texas Commission on Law Enforcement shall develop and the Commission on Jail Standards shall approve the examination required by Section 511.00905, Government Code, as added by this article.

SECTION 4.07. (a) Not later than March 1, 2018, the Texas Commission on Law Enforcement shall establish or modify training programs as necessary to comply with Section 1701.253, Occupations Code, as amended by this article.

(b) The minimum curriculum requirements under Section 1701.253(j), Occupations Code, as amended by this article, apply only to a peace officer who first begins to satisfy those requirements on or after April 1, 2018.

SECTION 4.08. (a) Section 1701.310, Occupations Code, as amended by this article, takes effect January 1, 2018.

(b) A person in the position of county jailer on September 1, 2017, must comply with Section 1701.310(a), Occupations Code, as amended by this article, not later than August 31, 2021.

ARTICLE 5. MOTOR VEHICLE STOPS, RACIAL PROFILING, AND ISSUANCE OF CITATIONS

SECTION 5.01. Article 2.132, Code of Criminal Procedure, is amended by amending Subsections (b) and (d) and adding Subsection (h) to read as follows:

(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; [and]
- (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.

(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.

(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.

SECTION 5.02. Article 2.133, Code of Criminal Procedure, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(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; [and]

(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.

SECTION 5.03. Article 2.134(c), Code of Criminal Procedure, is amended to read as follows:

(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; [and]

(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.

SECTION 5.04. Article 2.137, Code of Criminal Procedure, is amended to read as follows:

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 [as described by Article 2.135(a)(1)(A)], 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 [as described by Article 2.135(a)(1)(A)]. 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 [as described by Article 2.135(a)(1)(A)], 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 [as described by Article 2.135(a)(1)(A)], 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 [installed] video and audio equipment and body worn cameras for those purposes [as described by Article 2.135(a)(1)(A) and is using the equipment as required by Article 2.135(a)(1)].

SECTION 5.05. Article 2.1385(a), Code of Criminal Procedure, is amended to read as follows:

(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 [the] amount not to exceed \$5,000 [of \$1,000] for each violation. The attorney general may sue to collect a civil penalty under this subsection.

SECTION 5.06. Article 2.135, Code of Criminal Procedure, is repealed.

SECTION 5.07. Articles 2.132 and 2.134, Code of Criminal Procedure, as amended by this article, apply only to a report covering a calendar year beginning on or after January 1, 2018.

SECTION 5.08. Not later than September 1, 2018, the Texas Commission on Law Enforcement shall:

(1) evaluate and change the guidelines for compiling and reporting information required under Article 2.134, Code of Criminal Procedure, as amended by this article, to enable the guidelines to better withstand academic scrutiny; and

(2) make accessible online:

(A) a downloadable format of any information submitted under Article 2.134(b), Code of Criminal

Procedure, that is not exempt from public disclosure under Chapter 552, Government Code; and
(B) a glossary of terms relating to the information to make the information readily understandable to the public. This Act takes effect September 1, 2017.

Senate Speaker of the House

I hereby certify that S.B. No. 1849 passed the Senate on May 11, 2017, by the following vote:
Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1849 passed the House on May 20, 2017, by the following vote:
Yeas 137, Nays 0, one present not voting.

ARTICLE 6. EFFECTIVE DATE

SECTION 6.01. Except as otherwise provided by this Act,

Approved:

Date

Governor

Chief Clerk of the House

**TROPHY CLUB
POLICE DEPARTMENT
RACIAL PROFILING POLICY**

RACIAL PROFILING / BIAS BASED PROFILING

333.1 PURPOSE

The purpose of this policy is to affirm that the Trophy Club Police Department is committed to unbiased policing in all its encounters between officers and any person. The Department recognizes that our society holds the freedoms of the individual as a fundamental concept. Therefore members of this Department will not infringe upon this freedom without just, legal and necessary cause. This policy strictly forbids profiling of any individual or group based solely on race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, faith-based organizations or any other identifiable group.

333.2 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 local, state and federal laws in a responsible and professional manner, without regard to race, ethnicity, national origin. Officers are strictly prohibited from engaging in racial profiling as defined in this policy. Racial profiling is an unacceptable police tactic and will not be condoned.

- **This policy strictly prohibits profiling of any individual based on race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group .**
- This **Policy** is adopted in compliance with the requirements of Articles 2.131 through 2.138, Texas Code of Criminal Procedure, which prohibits Texas peace officers from engaging in racial profiling.

333.3 DEFINITIONS

Racial Profiling: A law enforcement-initiated action based on an individual's race, ethnicity, national origin, rather than on behavior or information identifying the individual as having engaged in criminal activity. Racial profiling pertains to persons who are viewed as suspects or potential suspect of criminal behavior. The term is not relevant as it pertains to witnesses, complainants, persons needing assistance, or other citizen contacts.

Bias Based Profiling: The selection of an individual based solely on a trait common to that group for enforcement action. This includes, but is not limited to: race, ethnic background, gender, sexual orientation, religion, economic status, cultural group, or any other identifiable group.

Race or Ethnicity: Persons of a particular descent, including Caucasian, Black, Hispanic, Asian, Middle Eastern or Native American descent.

Acts Constituting Racial (Bias Based) Profiling: Acts initiating law enforcement action, such as a traffic stop, a detention, a search, issuance of a citation, or an arrest based solely upon an individual's race, ethnicity, or national origin or on the basis of racial or ethnic stereotypes, rather than upon the individuals' behavior, information identifying the individual as having possibly engaged in criminal activity, or other lawful reasons for the law enforcement action.

RACIAL PROFILING / BIAS BASED PROFILING

Motor Vehicle Contact: An occasion in which a peace officer stops a motor vehicle for an alleged violation of law or ordinance.

333.4 PROHIBITION

Officers of the Trophy Club Police Department are strictly prohibited from engaging in racial profiling. The prohibition against racial profiling does not preclude the use of race, ethnicity or national origin as factors in a detention decision by an officer. Race, ethnicity or national origin may be legitimate factors in such a decision when used as part of a description of a suspect or witness for whom an officer is searching.

Officers of the Trophy Club Police Department shall not engage in profiling based solely on race, ethnic background, gender, sexual orientation, religion, economic status, age, culture, or any other identifiable group.

333.5 COMPLAINT PROCESS

No person shall be discouraged, intimidated or coerced from filing a complaint, or be discriminated against because they have filed a complaint.

Any person who believes that a peace officer employed by the Trophy Club Police Department has engaged in racial profiling with respect to that person, may file a complaint in accordance with the provisions of Trophy Club Police Department Policy 901 Complaints.

- An employee who is contacted regarding a complaint against an officer shall follow the procedures set forth in Trophy Club Police Department Policy 901 Complaints.
- Citizens who appear in person wishing to file a complaint shall be provided with a department brochure, "How to File a Complaint." Brochures are maintained in the Trophy Club Police Department lobby, and at the Trophy Club Town Hall. Citizens may also be directed to the Departmental website to file a complaint.

Any supervisor who becomes aware of an alleged or suspected violation of this Policy shall report the alleged violation in accordance with Trophy Club Police Department Policy 901 Complaints.

Complaints of racial profiling shall be classified as a Level I complaint, and shall be investigated by the Professional Standards Unit, or a designated Internal Affairs Investigator unless otherwise directed by the Chief of Police. A log of all Racial Profiling Complaints will be maintained by the Chief of Police.

333.6 DISCIPLINARY AND CORRECTIVE ACTIONS

Any officer of this Department who is found, after investigation, to have engaged in racial profiling in violation of this Policy may be subject to disciplinary action, up to and including termination. Disciplinary or corrective actions may include diversity, sensitivity or other appropriate training or counseling, as determined by the Chief of Police.

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333.7 PUBLIC EDUCATION

- This Department shall provide education to the public concerning the racial profiling complaint process. The primary method of public education shall be through a brochure, "How to File a Complaint" which are maintained in the lobby of the Trophy Club Police Department, and at the Trophy Club Town Hall. These brochures are available in both English and Spanish versions. Other education methods may be utilized to inform the public, including news media, civic presentations, the Internet, and/or public meetings.
- The Trophy Club Police Department shall provide public education relating to the Department's complaint process which shall be printed on each ticket, citation or warning issued by Trophy Club Officers. In the event that it is not possible for the computer generated citations to print the complaint process information, Officers shall provide information on how to file a complaint when encountering the public by means of an information card "How to file a complaint" which will be presented to all individuals who are stopped or arrested by Trophy Club Police Officers.

333.8 COLLECTION OF INFORMATION AND ANNUAL REPORT WHEN CITATION ISSUED OR ARREST MADE

For each motor vehicle contact in which a citation is issued and/or for each arrest resulting from a motor vehicle contact, an officer involved in the stop shall collect the following information:

If the person contacted is a resident of the Town of Trophy Club, it shall be reflected in the data that is entered.

- (b) The gender of the person being reported.
- (c) Information identifying the race or ethnicity of the person detained. The following codes will be used to identify the individual's race:
 1. A = Asian
 2. B = Black
 3. C = Caucasian
 4. H = Hispanic
 5. M = Middle Eastern
 6. NA = Native American/American Indian
 7. O = Other

Note: Officers may not ask the individual to identify their race. If the officer is unable to determine the race or ethnicity of the person contacted, then the race shall be entered as "Other" on the citation(s) issued

- (d) Whether the officer knew the race or ethnicity of the individual detained before detaining that individual.

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- (e) What violation/charge was used to make first contact or was it related to a Call-For Service.
- (f) What was the action taken (citation or arrest)?
- (g) What was the contacted person's charge?
- (h) Was a search was conducted?
- (i) If a search was conducted, did the individual detained consent to the search?
- (j) Whether a search was conducted because probable cause existed.
- (k) Whether contraband was found; and, if so, what was the contraband?
- (l) The information collected shall be entered into a database by entering Racial Profiling data utilizing the in-car Mobile Data Computer (MDC) or the computers available in the Department. All contacts requiring Racial Profiling data collection must be entered

1. In the event the data is unable to be collected electronically, the data will be recorded on temporary forms and entered in the database at a later date.
2. **The Patrol Captain shall ensure all Racial Profiling Data is collected and reported to the Chief of Police. The data collected shall be compiled in an annual report covering the period January 1 through December 31 of each year, and shall be submitted to the governing body of the Town of Trophy Club no later than March of the following year. The report will include:**
 - (a) **A breakdown of citations by race or ethnicity;**
 - (b) **Number of citations that resulted in a search;**
 - (c) **Number of searches that were consensual;**
 - (d) **Number of citations that resulted in custodial arrest; and**
 - (e) **Public education efforts concerning the racial profiling complaint process.**
3. **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.**
4. **Racial Profiling Data will also be reported to the Texas Commission on Law Enforcement Officer Standards and Education (TCOLE) by March 1 of each year, following the Commission's prescribed format.**

333.9 AUDIO AND VIDEO EQUIPMENT

- A. Each motor vehicle regularly used by this department to make motor vehicle contacts shall be equipped with a mobile video camera system capable of recording video and audio, and each motorcycle regularly used by this department to make motor vehicle contacts shall be equipped with audio recording equipment.

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- B. Each motor vehicle contact made by an officer of this department capable of being recorded by video and audio, or by audio only for motorcycles, shall be recorded.
- C. Supervisors and officers shall ensure that mobile video camera equipment, and/or audio equipment, is properly functioning prior to commencing their tour of duty. Police units with malfunctioning or inoperable mobile video camera equipment shall not be utilized under normal circumstances.
- D. Supervisors shall have the authority to assign units with malfunctioning or inoperable mobile video equipment when situations dictate. Officers assigned to such units shall collect and document the information listed below for each motor vehicle contact. All documentation must be submitted to the officer's supervisor prior to ending that tour of duty. Documentation shall include but is not limited to field interview forms, traffic citations and warning tickets.
 - 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.
 - (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 his or her ability. Officers will not ask the individual to identify their race or ethnicity.
 - (c) Whether the officer knew the race or ethnicity of the individual detained before detaining that individual.
 - (d) The initial reason for the stop.
 - (e) Whether officer conducted a search as a result of the stop, and, if so, whether or not the person detained consented to the search.
 - (f) Whether any contraband or other evidence was discovered in the course of the search and a description of the contraband or evidence.
 - (g) The reason for the search, including whether:
 - 1. Any contraband or other evidence was in plain view.
 - 2. Any probable cause or reasonable suspicion existed to perform the search; or
 - 3. The search was performed as a result of the towing of the motor vehicle or the arrest of any person in the motor vehicle.
 - 4. 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 Penal Code, a violation of traffic law or ordinance or an outstanding warrant and a statement of the offense charged.
 - (h) The street address or approximate location of the stop.
 - (i) Whether the officer issued a citation or a written warning as a result of the stop.

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- (j) Whether the person contacted is a resident or non-resident of the Town of Trophy Club. This shall be reflected on each citation issued, using an (R) for residents or an (NR) for non-resident.

333.10 REVIEW OF VIDEO AND AUDIO DOCUMENTATION

- A. Each audio and video recording shall be retained for a minimum period of ninety (90) days, unless a complaint is filed alleging that an officer has engaged in a racial profiling with respect to a motor vehicle contact. The Captain of the Patrol Division shall ensure that all audio and recordings are properly stored and retained in accordance with applicable laws and this Policy.
- B. (If a complaint is received alleging that an officer has engaged in racial profiling, the audio/video recording shall be forwarded to the Chief of Police. The Chief of Police shall retain the video until final disposition of the complaint has been made.
- C. The Patrol Captain or designee shall review a randomly selected sampling of video and audio recordings, made recently by officers employed by the Department, in order to determine if patterns of racial profiling exist. **This Policy requires the supervisory review of at least three (3) random videos each quarter (3 months) per officer. These reviews shall be documented on the appropriate form.**
- D. Written documentation shall include:
 - 1. The names of the officers whose contacts were reviewed.
 - 2. The date(s) of the videos reviewed.
 - 3. The date the actual review was conducted.
 - 4. The name of the person conducting the review.
- E. The Patrol Captain shall forward the required documentation to the Chief of Police or his designee.
- F. The Field Operations Division shall maintain a file of all video review documentation performed, in compliance with this Policy.
- G. In reviewing audio and video recordings, the Patrol Captain or designee shall seek to determine if the officer(s) reviewed have engaged in a pattern of racial profiling that includes multiple acts constituting racial profiling for which there is no reasonable, credible explanation based on established police and law enforcement procedures.

333.11 TRAINING

Each peace officer employed by the department shall complete the comprehensive education and training program on racial profiling established by the Texas Commission on Law Enforcement Officer (TCOLE) not later than the second anniversary of the date the officer was licensed, or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier. A person who on September 1, 2001, held a TCOLE intermediate proficiency certificate, or who had held a peace officer license issued by TCOLE for at least two years, shall complete a TCOLE training and education program on racial profiling not later than September 1 of the current year.

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The Chief of Police shall, in completing the training required by Section 96.641, Texas 777 Education Code, complete the program on racial profiling established by the Bill Blackwood Law Enforcement management Institute of Texas (LEMIT).

For additional questions regarding the information presented in this report, please contact:

Del Carmen Consulting©
817.681.7840
www.texasracialprofiling.com
www.delcarmenconsulting.com

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