

**MINUTES**  
**CITY COUNCIL MEETING**  
**MARCH 13, 2017**

**CALL TO ORDER – Roll Call and Determination of a Quorum**

The Parker City Council met in a special meeting on the above date at Parker City Hall, 5700 E. Parker Road, Parker, Texas, 75002.

Mayor Z Marshall called the meeting to order at 6:30 p.m. Councilmembers Scott Levine, Lee Pettle, Cleburne Raney, Ed Standridge, and Patrick Taylor were present.

Staff Present: City Administrator Jeff Flanigan, Finance/H.R. Manager Johnna Boyd, City Secretary Patti Scott Grey, City Attorney Brandon Shelby, Police Captain Kenneth Price, and Developer/Capital Improvement Advisory Committee (CIAC) Member Stephen "Steve" L. Sallman

**EXECUTIVE SESSION 6:30 P.M. TO 7:00 P.M. – Pursuant to the provisions of Chapter 551, Texas Government Code the City Council may hold a closed meeting.**

1. RECESS TO CLOSED EXECUTIVE SESSION IN ACCORDANCE WITH THE AUTHORITY CONTAINED IN:
  - a. Texas Government Code Sec. 551.071(2): Consultation with Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter
2. RECONVENE REGULAR MEETING.
3. ANY APPROPRIATE DELIBERATION AND/OR ACTION ON ANY OF THE EXECUTIVE SESSION SUBJECTS LISTED ABOVE.

**PLEDGE OF ALLEGIANCE**

AMERICAN PLEDGE: Edwin Smith led the pledge.

TEXAS PLEDGE: Phil Steiman led the pledge.

**PUBLIC COMMENTS** The City Council invites any person with business before the Council to speak. No formal action may be taken on these items at this meeting. Please keep comments to 3 minutes.

No comments

**CONSENT AGENDA** Routine Council business. Consent Agenda is approved by a single majority vote. Items may be removed for open discussion by a request from a Councilmember or member of staff.

4. APPROVAL OF MEETING MINUTES FOR FEBRUARY 27, 2017. [SCOTT GREY]
5. DEPARTMENT REPORTS-ANIMAL CONTROL, BUILDING, COURT, FIRE, POLICE AND WEBSITE

MOTION: Councilmember Pettle moved to approve consent agenda items 4 and 5 as presented. Councilmember Raney seconded with Councilmembers Levine, Pettle, Raney, Standridge, and Taylor voting for the motion. Motion carried 5-0.

**INDIVIDUAL CONSIDERATION ITEMS**

6. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON ORDINANCE NO. 744, THE WHITESTONE ESTATES (FORMERLY DONIHOO FARMS) ANNEXATION. [SHELBY]

City Attorney Shelby reviewed the Whitestone Estates annexation process briefly, commenting the two (2) required public hearings were held on February 7 and 21, 2017 in accordance with Texas State Law and Ordinance No. 744 was prepared for this annexation.

Mayor Marshall asked Developer Steve Sallman if he had any additional comments. Mr. Sallman said he had no additional comments.

MOTION: Councilmember Taylor moved to approve Ordinance No. 744, annexing Whitestone Estates, formerly known as Donihoo Farms. Councilmember Standridge seconded with Councilmembers Levine, Pettle, Raney, Standridge, and Taylor voting for the motion. Motion carried 5-0.

7. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON SCHEDULING ANNEXATION PUBLIC HEARING DATES FOR RESERVE AT SOUTHRIDGE. [FLANIGAN]

City Administrator Flanigan said Reserve at Southridge, located south of Curtis Drive and west of the Southridge Estates Subdivision and subject to annexation prior to final plat approval, filed to be annexed into the city limits. City Council needs to set two (2) public hearing dates to start the process.

Mayor Marshall asked if there were suggested dates, in accordance with Texas State Law. Mr. Flanigan said the suggested dates were April 4 and April 18, 2017. Mayor Marshall said there may be a conflict with the Tuesday, April 18<sup>th</sup> date. Parker Women's Club (PWC) was considering that date for their Candidates Night Forum. The Mayor asked that the 2<sup>nd</sup> Public Hearing date be left open until a decision was made later this week.

MOTION: Councilmember Pettle moved to set the 1<sup>st</sup> public hearing date for April 4, 2017 and allow Mayor Marshall to schedule the 2<sup>nd</sup> public hearing within the time frame, as prescribed by state law. Councilmember Raney seconded with Councilmembers Levine, Pettle, Raney, Standridge, and Taylor voting for the motion. Motion carried 5-0.

## 8. DISCUSSION REGARDING HOME RULE [SHELBY/LEVINE]

City Attorney Shelby spoke briefly about home rule, stating the Texas Constitution allows General Law cities, whose population has reached 5,000 or would be by the date of the Home Rule election, to establish their own rules for municipal government by adopting a Home Rule Charter. General Law cities' powers were limited by the specific authority granted by Texas statutes, restricted to doing what state statutes direct or permit them to do. Home Rule cities with a population over 5,000 in which the citizens had adopted a home rule charter to define the structure, power, duties, and authority of their local government were the reverse. Rather than looking to state statutes to determine what they may do, as General Law cities must do, Home Rule cities look to their local Charters to determine what they may do. A Home Rule city may generally take any action not prohibited by the Texas Constitution or statutes as long as the authority was granted in that City's Charter.

Texas Local Government Code, Chapter 9 **Home-Rule Municipality**, provides the procedures for adoption of a Home Rule Charter, which includes: 1) selection of a Charter Commission; 2) the Charter Commission would prepare the proposed Home Rule Charter and submit the proposed Charter to the City Council for review; 3) after approval, the City Council would place the Charter on the proposed ballot for the next uniform election date, which would be May 5, 2018; 4) all registered voters of the City would receive a copy of the approved and proposed Charter by mail thirty (30) days prior to the election; and 5) the citizens vote whether or not to adopt the proposed Charter in that election. Adoption of the Charter would be by "majority of the qualified voters of the municipality who vote at an election held for that purpose".

The first step would be to establish a population of 5,000 and the Mayor or City Council selecting a Charter Commission to draft a Charter.

Mayor Marshall asked Mayor Pro Tem Levine, with the help of City Staff, to continue to take the lead in this effort. Mayor Pro Tem Levine suggested establishing the 5,000 population and working toward the selection of a Charter Commission in May 2017 for the following May 2018 uniform election day. City Attorney Shelby said the only requirement of the Charter Commission was that the commission would be representative of the demographics of the city. There was some discussion of population projections and certain multipliers, and the possibility that the city may have already reached the necessary 5,000 population.

Mayor Pro Tem Levine said he and City Attorney Shelby would work with the City Administrator, City Staff, and area independent school districts, to be comfortable with the multiplier. The next time the item came back to City Council it would be to appoint a charter commission.

Mayor Marshall said there would be no action on this item tonight. He asked that the item be added to future agenda items for the May/June timeframe.

Mr. Levine expressed his gratitude and appreciation for City Attorney Shelby's efforts, flying back from his vacation in Durango, Colorado, to be available for tonight's City Council meeting. Mayor Marshall said he and City Council echoed those comments.

Mayor Pro Tem Levine noted there were a couple of issues on tonight's agenda that needed counsel's attention and City Attorney Shelby had flown in from vacationing in Durango, Colorado, and would fly back tomorrow.

## 9. DISCUSSION REGARDING MUNICIPAL COMPLEX ARCHITECTS [FLANIGAN]

City Administrator Flanigan said this topic was discussed at the last planning session. Parker Police Department had been moved into a leased, temporary building. The first part of the new Municipal Complex process would be to find an architectural firm. Mr. Flanigan discussed the matter with City Attorney Shelby a couple weeks ago and he provided the Request for Qualifications (RFQ) for Architectural Services. (See Exhibit 1 – Request for Qualification (RFQ) for Architectural Services for new Municipal Complex, dated February 2017.) Mr. Flanigan said he then sent the report to City Engineer Birkhoff. He and Mr. Birkhoff added a few items and he thought City Council had a document that could be advertised for architects. Once we have a list of architects, City Council and City Staff would reduce the list to a reasonable number that City Council could interview at a public meeting to hire an architect for the project. Once City Council chooses an architect, based on qualifications, negotiations begin. If fees cannot be negotiated, we would move down the list. Mr. Flanigan said he was ready to proceed and requested support from the Mayor and City Council to move forward with advertising.

Mayor Marshall asked Finance/H.R. Manager Johnna Boyd if City Council had set aside funds for this line item. Ms. Boyd said yes, the funding was in the Council Contingency fund.

**MOTION:** Councilmember Standridge made a motion to have City Council and Staff move forward with identifying architectural services for a new municipal complex, advertising the RFQ, appointing the City Administrator for that task. Councilmember Pettle seconded. Councilmembers Levine, Pettle, Raney, Standridge, and Taylor voting for the motion. Motion carried 5-0.

Councilmember Standridge said he heard concerns, asking why the City needed to spend money to build a new municipal complex. The municipal buildings were getting older, becoming more difficult to maintain, and he noted there have already been issues with the new temporary building. It was time to get serious about a new facility. The City was growing and that needed to be reflected in our city offices.

Mayor Pro Tem Levine clarified, saying this was a RFQ. The City Council was not going out to bid for a new Municipal Complex. This was the process to solicit for qualifications for architectural services.

Councilmembers Levine, Pettle, Raney, Standridge, and Taylor voting for the motion. Motion carried 5-0.

## ROUTINE ITEMS

### 10. FUTURE AGENDA ITEMS

Mayor Marshall asked if there were any items to be added to the future agendas. He said the next regularly scheduled meeting would be Tuesday, April 4, 2017. City Administrator Flanigan said City Council would potentially have a Special Use Permit (SUP) for consideration on the April 4, 2017 meeting agenda and staff would add the Home Rule Charter for May/June timeframe. There were no other additions.

#### UPDATE(S):

- ACCEPTANCE OF POLICE AND FIRE DONATIONS FOR RECORD  
As required by Resolution No. 2016-520, Mayor Marshall accepted John J. and Marilyn Van Bockel's \$50 donation to the Parker Volunteer Fire Department and \$50 donation to the Parker Police Department. The Mayor, City Council, and staff thanked the Van Bockels for their generous donation.
- TRANSPORTATION [STANDRIDGE/FLANIGAN]  
Councilmember Standridge briefed City Council on transportation. He said the City of Parker was well represented at the meetings, which he thought was very helpful for the City of Parker. At the last transportation meeting, a new bond of \$350 to \$400 million was discussed for major thoroughfares and loops throughout Collin County, due to growth. Mr. Standridge commented although Parker Road had become more and more congested due to new housing additions in the area, he did not expect or foresee relief any time soon.  
Mayor Marshall said he was on the Planning Board and most of the discussions were on transportation.
- IMPACT FEES (Based on concerns from February 27, 2017 City Council Meeting) [SHELBY]  
City Attorney Shelby said his research indicated if the water impact fees were levied that would not keep the City from imposing other types of impact fees.
- Racial Profiling Report 2016 as provided to City Council in February 2017 [PRICE]  
Parker Police Captain Price said the Racial Profiling Report was due by the March 1<sup>st</sup>. That report was provided to City Council in February and submitted to state and federal authorities electronically. Captain Price noted changes to the report have been rectified and he provided an updated report or addendum to City Council. (See Exhibit 2 – Parker Police Department Addendum – 2016 Racial Profiling Report, dated February 13, 2017 and original.)  
Mayor Marshall thanked Captain Price for his service on behalf of the City Council.

### 11. ADJOURN

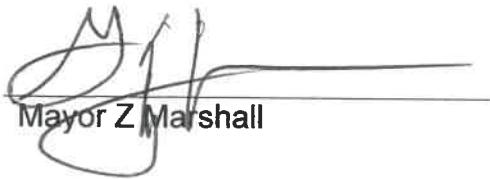
Mayor Marshall adjourned the meeting at 7:39 p.m.



ATTESTED:

  
\_\_\_\_\_  
Patti Scott Grey, City Secretary

APPROVED:

  
\_\_\_\_\_  
Mayor Z Marshall

Approved on the 4th day  
of April, 2017.



**REQUEST FOR QUALIFICATIONS (RFQ)  
FOR ARCHITECTURAL SERVICES  
FOR NEW MUNICIPAL COMPLEX**

**CITY OF PARKER, TEXAS**

**FEBRUARY 2017**

**Exhibit 1**

**REQUEST FOR QUALIFICATIONS (RFQ)  
FOR ARCHITECTURAL SERVICES  
FOR NEW MUNICIPAL COMPLEX**

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**CITY OF PARKER, TEXAS  
REQUEST FOR QUALIFICATIONS (RFQ)  
FOR ARCHITECTURAL SERVICES  
FOR NEW MUNICIPAL COMPLEX**

The City of Parker invites the submittal of responses to this RFQ from qualified firms interested in providing architectural services in connection with the planning for a new Municipal Complex. Responses are solicited for this service in accordance with the terms, conditions, and instructions set forth in the RFQ guidelines.

The City will receive responses to this RFQ at Parker City Hall, 5700 East Parker Road, Parker, Texas 75002 until **2:00 pm on \_\_\_\_\_**. The Request for Qualifications documents may be obtained from Jeff Flanigan at the same location. Request for Qualifications documents will be mailed upon request; however, the City is not responsible to ensure timely delivery of mailed Request for Qualification documents.

Receipt of responses does not bind the City to any contract for said services, nor does it guarantee that a contract for the Project will be awarded.

**REQUEST FOR QUALIFICATIONS (RFQ)  
FOR ARCHITECTURAL SERVICES  
FOR NEW MUNICIPAL COMPLEX**

**I. PURPOSE OF RFQ**

The Parker, Texas (City) invites the submittal of responses to this Request for Qualifications (RFQ) from qualified firm(s) interested in providing architectural services in connection with a New Municipal Complex as herein outlined.

**II. LOCATION**

The City is proceeding with planning (as herein outlined) for a new Municipal Complex to include city administrative offices, council chambers, a police department and municipal courts facilities to be located in the City of Parker.

**III. OBJECTIVES**

The City proposes to retain a highly qualified, capable firm(s) to act as the Architect during the planning of the Project for a fixed price. Those firm(s) who participate in this RFQ process are sometimes referred to as "Respondents" and "Architects." The City will give prime consideration to the Architect with significant, current experience in the development, design, and construction of municipal buildings, public meeting places and facilities, police departments, and municipal court facilities. The City reserves the right to negotiate with one or more parties and is not obligated to enter into any contract with any Respondent on any terms or conditions.

**IV. SCOPE OF WORK**

A. The selected Architect(s) will be required to perform the basic architectural and engineering services to be specified more fully in a contract agreement to be negotiated after selection. The contract agreement will provide for payment for phases of work completed with options to proceed through all phases or to discontinue work as the circumstances may dictate. Upon selection of a Respondent with whom negotiations will proceed, a Scope of Work will be developed. The City anticipates a contract which will include site review & recommendations, programming, schematic design, production of computer generated renderings, and cost estimation; however, the City reserves the right to include additional project elements in the initial or subsequent professional services agreements as the City may (in its sole discretion) deem appropriate. The Architect will be required to retain and be responsible for all basic engineering disciplines such as mechanical, electrical, plumbing, fire

protection, landscape architecture, civil engineering, and structural engineering for the Scope of Work negotiated. The Architect is also required to identify and select the appropriate sub-consultants; however, the City reserves the right to approve proposed sub-consultants that will be associated with the Project.

B. The City may use the services of a Construction Manager-at-Risk. The Construction Manager-at-Risk, if any, will serve as an integral team member from the inception of the programming and design efforts. Furthermore, the Construction Manager-at-Risk may be used, in conjunction with the design team, as the cost estimator, project scheduler, and the implication of phasing alternatives for the projects upon completion of plans sufficient to estimate the project. The Architect will coordinate and cooperate fully with the Construction Manager-at-Risk. Initial planning phase cost estimates will be provided by the Architect.

## **V. PROJECT FUNDING**

Funding for the work described herein will be provided from various funding sources available to the City to be determined upon approval by the City Council. Funding sources for design beyond the services described herein have not yet been finalized.

## **VI. SELECTION PROCESS**

Selection of firms will follow the proposal-interview process.

From a review of the statements of qualification received, the City intends to invite several firms to be interviewed before making a final selection of a firm for this project. If the City desires to interview a firm, that firm will receive notification of the date and time of the interview.

The City will use a Staff Evaluation Panel to initially evaluate the submittals. The statements of qualifications received will be one part of the selection process utilized by the City, together with the interviews, to determine if a consulting contract should be pursued. The Staff Evaluation Panel will recommend a short list to the City Council for their consideration. The Council may request that presentations be made in a City Council meeting to assist them in their decision.

The selected respondent then will negotiate with the City on fee and contract conditions. If a reasonable fee cannot be achieved with the respondent of choice, in the opinion of the City, negotiations will proceed with the second choice respondent until a mutually agreed contract can be negotiated.

## **VII. EVALUATION CRITERIA**

The Preliminary Evaluation Team may consist of: City Staff Representatives, Representatives of the Construction Manager if retained by the City at the time the Architect is selected.

The criteria used to evaluate the RFQ responses will include, but not be limited to, the following (items listed below are not listed in order of importance):

**A. Qualifications of Firm**

Qualifications of firm, specifically as they relate to this Project.

**B. Firm Experience on Similar Projects**

Related project experience of the firm(s) and the individuals who would be assigned to this Project.

**C. Available Resources to Complete Project**

This criterion would include the analytical, design tools, personnel, resources or methodologies commonly used by the firm that may be applicable to the project categories.

**D. Responsiveness to the RFQ**

This would include any documents submitted such as concept plans, space planning, and design concepts and other related items.

**E. Professional References**

**VIII. ADDITIONAL INSTRUCTIONS, NOTIFICATIONS AND INFORMATION**

- A. No Gratuities** – Respondents will not offer any gratuities, favors, or anything of monetary value to any official or employee of the City for the purpose of influencing this selection. Any attempt by a Respondent to influence the selection process by any means, other than disclosure of qualifications and credentials through the proper channels, will be grounds for exclusion from the selection process. Accordingly, contacts with members of the Staff Evaluation Team, which are outside of the established process, should not be initiated.
- B. All Information True** – By submitting a response, Respondents represent and warrant to the City that all information provided in the response submitted shall be true, correct and complete. Respondents who provide false, misleading or incomplete information, whether intentional or not, in any of the documents presented to the City of Parker for consideration in the selection process may be excluded.
- C. Interviews** – After the initial evaluation of the statements of qualifications, Respondents will be notified of their status in the selection process. Respondents who are “short- listed” should expect and anticipate subsequent interviews which will most likely focus not only on the Respondent’s program approach but also on an appraisal of the design professionals who would be directly involved in the Project. “Short listed” respondents may be asked to make a presentation to the City Council. If a presentation to the Council

is requested, it will be necessary that additional RFQ response submittals be provided by the “short listed” respondent.

- D. Inquiries** – Do not contact the Mayor and City Council or the Staff Evaluation Team to make inquiries about the progress of this selection process. Respondents will be contacted when it is appropriate to do so. Process inquiries may be directed to Mr. Jeff Flanigan, City Administrator for the City.
- E. Cost of Responses** – The City will not be responsible for the costs incurred by anyone in the submittal of responses.
- F. Contract Negotiations** – This RFQ is not to be construed as a contract or as a commitment of any kind. If this RFQ results in a contract offer by the City the specific scope of work, associated fees, and other contractual matters will be determined during contract negotiations.
- G. No Obligation** – The City reserves the right to: (1) evaluate the responses submitted; (2) waive any irregularities therein; (3) select candidates for the submittal of more detailed or alternate proposals; (4) accept any submittal or portion of submittal; (5) reject any or all Respondents submitting responses, should it be deemed in the City’s best interest; or (6) cancel the entire process.
- H. Professional Liability Insurance** – The Respondent shall have the appropriate liability insurance written by an insurer authorized to transact insurance in the State of Texas. A minimum of 2,000,000. Per Occurrence

## **IX. SUBMITTAL INSTRUCTIONS**

Sealed submittals are required. Submittals must be delivered to The City of Parker, Texas, at the address set forth below at or before **2:00 pm on \_\_\_\_\_**. All submittals must be labeled on the outside with the Respondent’s name, the name of the Project – “Parker, Texas Municipal Center Project 2017”. Late submittals shall not be considered.

Five (5) copies of the response are to be addressed to:

City Administrator  
City of Parker  
5700 East Parker Road  
Parker, TX 75002

To enable the City to efficiently evaluate the responses, it is important that Respondents follow the required format in preparing their responses.

**RESPONSES THAT DO NOT CONFORM TO THE PRESCRIBED FORMAT MAY  
NOT BE EVALUATED.**

Each copy of the response shall be bound using a semi-permanent binding method, to ensure that pages are not lost. Pages shall be no larger than letter size (8 1/2" by 11") or, if folded to that dimension, twice letter size (11" by 17") each section (defined below) shall be separated by a tabbed divider. Elaborate covers and permanent binders are not required. Five copies are required and font size shall be 12.

## **X. CONTENT OF SUBMITTAL**

Each response shall be submitted as outlined in this section. Please include an outside cover and/or first page, containing the name of the Project.

A table of contents should be next, followed by dividers separating each of the following sections:

- **Divider #1: Letters**

The first page following the divider shall be a letter transmitting the response to the City and stating that the proposal set forth in it remains effective for a period of 60 calendar days. At least one copy of the transmittal letter shall contain the original signature of a partner, principal, or officer of the Respondent. Cover letter shall state why your firm stands out over other firms.

- **Divider #2: Firm Information**

- Firm name, addresses, and telephone numbers of all firm offices.
- Structure of firm, i.e., sole proprietorship, partnership, corporation, and size of firm.
- Years firm has been in business.
- Names of principals in firm.
- Primary contact.
- Organizational description.
- Description of firm's philosophy.

- **Divider #3: General Company History/Qualifications**

- A brief history of the Architect and the services routinely provided in-house on municipal (or related) building projects.
- An organization chart that explains team member responsibilities.
- The resumes of all persons to be assigned to the project with their prospective roles identified.
- Documentation that the firms on the Architect's team (architects and engineers) are registered in the State of Texas.

- **Divider #4: Financial and Legal Status**

- Describe the general financial capability of the Respondent. If requested during the selection or negotiation process a financial statement and balance sheet may be required.

- b. List any actions taken by any regulatory agency against or involving the firm or its agents or employees with respect to any work performed, in the past 5 years.
  - c. List all litigation against or involving the firm or its agents or employees with respect to any work performed, in the past 5 years.
  - d. Provide certificate of insurance.
- **Divider #5: Experience and References**
  - a. Discussion of Architect's experience in working with Government Agencies.
  - b. List of five representative Municipal (and Governmental) projects completed in the last five years, whether ongoing or completed, including references. Please begin with projects in Texas. For each, please provide:
    - i. Project name and location
    - ii. Year completed
    - iii. One page description of project
    - iv. Names, addresses, and phone numbers of owner and contact person tasked with daily responsibilities of project.
    - v. Names, addresses and telephone numbers of general contractor and engineer
    - vi. Construction cost and whether or not it was within the project budget.
    - vii. Construction time and whether or not it was completed on time.
    - viii. List of references
  - c. List of all projects currently under contract, and percentage of completion for each project
- **Divider #6: Management and Organizational Approach** – on two pages or less, please describe your management and organization approach to the project. The following should be addressed within this description:
  - a. Please describe your firm's understanding of the project.
  - b. Describe how the firm will organize to perform the services.
  - c. Describe how the firm will solicit in the programming and design phases the interested stakeholders. This includes community residents, city council, staff and users.
  - d. Provide procedures for assisting in the development of project scheduling, coordination of consultants, quality and cost control.
  - e. Describe the architectural team's approach to communication with the City and Construction Manager, and if architectural group can provide CMAR.
  - f. Description of Architect's approach to code analysis and jurisdictional approvals.
  - g. Provide project schedule
  - h. Team's LEED experience on similar type projects.

\*In the event that two or more architectural firms are collaborating, dividers 2-6 must be filled out for each company, with responsibilities clearly delineated between firms.



# Parker Police Department



## Memorandum

**TO:** Richard D. Brooks  
Chief of Police

**FROM:** Kenneth Price  
Police Captain

**SUBJECT:** Addendum - 2016 Racial Profiling Report

**DATE:** 02/13/2017

**Exhibit 2**

Chief,

As you are aware, the 2016 Racial Profiling Report for the Parker Police Department is due on March 1<sup>st</sup> of this year. Together with Administrative Assistant Monica Williamson, Court Clerk Lori Newton and myself, we had researched the data and compiled a report for your review and submission.

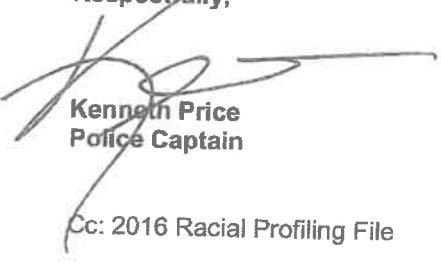
Upon your approval, I then attempted to report this information to TCOLE using a format previously allowed. However, when this information was being uploaded to the states digital reporting system, it was determined the state no longer allows racial reporting categories for individuals under Unknown or Other.

This required further research of 30 separate recorded stops listed in those two categories to determine in which these 30 individuals should have been categorized. Lori Newton and myself re-reviewed each citation and made a determination as to the appropriate category they were to be affixed.

I have updated the attached submission form, with the corrected data, to reflect how the state requires these figures be reported. This corrected submission form will need to be forwarded to the Council to accurately record the racial profiling report. Brazos Technologies, our citation software company, was also contacted and their system was updated to reflect the authorized reporting categories. This should allow for smoother and more accurate reporting in the future.

During review of all information available, it appears your Police Department is still in compliance with Departmental Policies and Procedures, as well as applicable State and Federal laws regarding our contacts with individuals.

Respectfully,

  
Kenneth Price  
Police Captain

Cc: 2016 Racial Profiling File

RELEASER 02/13/2017  
Dwight Brook

**2016 Racial Profiling Report**

**TCOLE Submission**

**Parker Police Department**

**Number of Motor Vehicle Stops**

1. 589 Citations only
2. 7 Arrest only
3. 6 Citations and Arrests

4. 602 Total

**Race or Ethnicity**

5. 78 African
6. 30 Asian
7. 266 Caucasian
8. 159 Hispanic
9. 69 Middle Eastern
10. 0 Native American
- 10.a 0 Other
- 10.b 0 Unknown

11. 602 Total

**Race or Ethnicity known prior to stop?**

12. 15 Yes
13. 587 No

14. 602 Total

**Search conducted?**

15. 7 Yes
16. 595 No

17. 602 Total

**Was search consented?**

18. 1 Yes
19. 6 No

20. 7 Total



## Parker Police Department



### Memorandum

**TO:** Honorable Mayor  
Honorable Mayor Pro Tem  
Distinguished Council Members

**FROM:** Richard D. Brooks, Chief of Police

**SUBJECT:** Racial Profiling Report 2016

**DATE:** February 13, 2017

Honorable Mayor and Distinguished Members of the Parker City Council,

Attached is the Parker Police Department Racial Profiling Report for 2016. As you are aware, the Texas Code of Criminal Procedures prohibits racial profiling and requires the collection of data related to motor vehicle stops. It further requires the development and adoption of a policy to clearly define and strictly prohibit racial profiling. The law also requires a process for public education relating to complaint processes and to allow individuals to file a complaint if it is believed racial profiling has occurred.

As required by the Texas Code of Criminal Procedures, the Parker Police Department has adopted Special Order 500, titled "Racial Profiling", which fulfills the requirements of that procedure. In addition, the Police Department developed Special Order 300 that specifies a process on "How to file a complaint against a Police Officer". The Department will collect data and review video related to motor vehicle stops occurring in the City of Parker. The purpose of the data collection and these reviews is to identify trends, identify training issues, and identify safety concerns as well as racial profiling violations. Any complaints or concerns regarding racial profiling allegations will be fully investigated.

The Parker Police Department is required to report these findings to the City Council on an annual basis. Specific data contained in this report is also required to be reported to the Texas Commission on Law Enforcement (TCOLE) on or before March 1<sup>st</sup> of every year.

The required information to be reported to TCOLE includes the number of motor vehicle stops, race or ethnicity, was the race known prior to the stop, was a search conducted, was the search consented and if the individual was a resident or not of the reporting agency city.



## Parker Police Department



### Memorandum

Police Officers conduct motor vehicle stops as part of their duties. Departmental vehicles used to perform those stops are equipped with video and audio recording equipment. Since all vehicles routinely used for traffic enforcement are equipped with audio/video equipment, a partial reporting exemption is claimed. The partial exemption is known as a Tier 1 exemption.

Due to the Tier 1 reporting requirements, motor vehicle stop data is reviewed on a monthly basis, for the purpose of monitoring officer compliance. Random video reviews of officer contacts are done to ensure compliance with applicable laws and for any evidence of racial profiling. As part of Special Order 500, we have mandated a review process (PPD-009) by Patrol Division Personnel, as well as a monthly review, as a part of the Internal Affairs function that is recorded on PPD-(009A), which assures quality control of the processes are being met.

Data regarding motor vehicle stops was compiled throughout the year using Brazos Technology/Crime Star software and a count of any handwritten citations issued by the officers. A review of the data began in January 2017 and during review of all information available, the Parker Police Department is in compliance with Departmental policies and procedures, as well as applicable State and Federal laws regarding our contacts with individuals.

There are no new reporting law requirements for the 2016 reporting period. All personnel were trained on Departmental policy specific to racial profiling. There were no complaints of racial profiling received by the Parker Police Department during the 2016 calendar year.

During the preparation for this report it was determined that the Parker Police Department had failed to review officer videos in 2016, a clear violation of our own policy. We immediately compiled the necessary videos and began the review process. The 2016 reviews as well as the missing reviews for 2017 were completed on February 10, 2017. An evaluation was conducted as to why we failed to follow this policy. I concluded that the change in Chief's, the multiple moves and my new administration caused this review process to fail and those responsible simply forgot to perform the reviews. The Department has implemented a check and balance system for this procedure and moving forward we will ensure that our policy is followed. Should we determine that the procedure needs modification we will change our policy accordingly. I intend to make these video reviews an important part of our goal to make ourselves better and improve what we do.

Mayor, by reporting this information to you, the Council and TCOLE this will fulfill the totality of our obligation as required by the Texas Code of Criminal Procedures.

Should you or the Council have any questions, suggestions or are in need of any clarification, please contact me.



## Parker Police Department



### Memorandum

In your service,

A handwritten signature in blue ink that reads "Richard D. Brooks".

Richard D. Brooks  
Chief of Police

cc: Jeff Flanagan  
Patty Scott-Grey



## Parker Police Department



### Memorandum

**TO: Richard D. Brooks**  
**Chief of Police**

**FROM: Kenneth Price**  
**Police Captain**

**SUBJECT: 2016 Racial Profiling Report**

**DATE: 02/10/2017**

Chief,

As you are aware, the 2016 Racial Profiling Report for the Parker Police Department is due on March 1<sup>st</sup> of this year. Data regarding motor vehicle stops was compiled throughout the year and a review of the data began in January 2017 and included any handwritten citation issued by our Officers.

Together with Administrative Assistant Monica Williamson, Court Clerk Lori Newton and myself, we have researched the data and have compiled the following report for your review and submission.

As you are aware, during this reporting period, the Police Department fell behind in the video review process due to issues faced by its members. Those issues included employee health related issues, mold in the walls of the old police building that was remediated, the hiring of a new Police Chief and several new staff members along with the move of Police Operations twice in this same year.

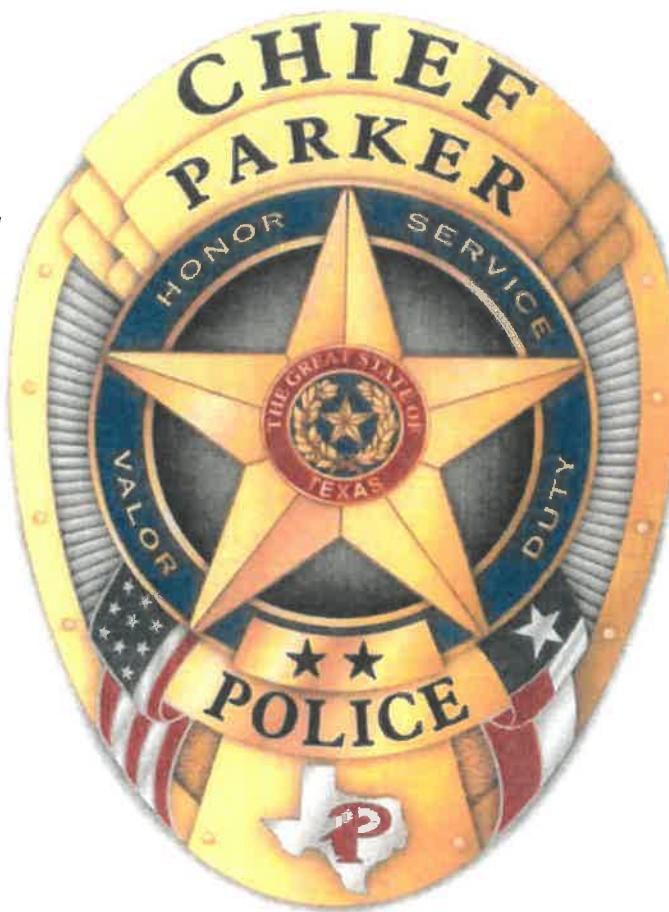
We were however, able to go back over the 2016 reporting year and review videos of our staff members for indications of Racial Profiling, in compliance with Special Order 500. I will ensure that moving forward; this process will be completed on a weekly and monthly basis in accordance with applicable policies and procedures.

During review of all information available, it appears your Police Department is now in compliance with Departmental Policies and Procedures, as well as applicable State and Federal laws regarding our contacts with individuals.

Respectfully,

  
Kenneth Price  
Police Captain

Cc: 2016 Racial Profiling File



**Parker Police Department  
Racial Profiling Report**

**2016**

**February 10, 2017**

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## Texas Code of Criminal Procedure

***Article 2.131-2.132***

- Prohibits racial profiling by police officers
- Requires implementation of a process by which complaints may be made for racial profiling
- Requires collection of data related to motor vehicle stops resulting in citations and/or arrests:
  - Race of the individual
  - Whether a search was conducted
  - Whether the search was consensual
  - Whether the officer knew the race of the individual being stopped prior to the stop
- Requires the Chief of Police to submit an annual report to the Texas Commission on Law Enforcement and the Parker City Council

**Art. 2.131. Racial Profiling Prohibited.**

A peace officer may not engage in racial profiling.

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

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

(a) In this article:

- (1) "Law enforcement agency" means an agency of the state, or of a county, municipality, or other political subdivision of the state, that employs peace officers who make motor vehicle stops in the routine performance of the officers' official duties.
- (2) "Motor vehicle stop" means an occasion in which a peace officer stops a motor vehicle for an alleged violation of a law or ordinance.
- (3) "Race or ethnicity" means of a particular descent, including Caucasian, African, Hispanic, Asian, 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 stops in which a citation is issued and to arrests made as a result of those stops, including information relating to:

- (A) the race or ethnicity of the individual detained;
- (B) whether a search was conducted and, if so, whether the individual detained consented to the search; and
- (C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and

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

- (A) the Texas Commission on Law Enforcement; and
- (B) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

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

(d) On adoption of a policy under Subsection (b), a law enforcement agency shall examine the feasibility of installing video camera and transmitter-activated equipment in each agency law enforcement motor vehicle regularly used to make motor vehicle stops and transmitter-activated equipment in each agency law enforcement motorcycle regularly used to make motor vehicle stops. 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 stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the collection of information as required by a policy under Subsection (b)(6).

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

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

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

Amended by: Acts 2009, 81st Leg., R.S., Ch. 1172, Sec. 25, eff. September 1, 2009.

## **Texas Code of Criminal Procedure**

### ***Article 2.133-2.136***

- Requires law enforcement agencies to submit a yearly report of the information collected to the governing body of the municipality
- Reports required for motor vehicle stops
- Compilation of data
- Analysis of data is not required
- Parker Police Department is exempt from Tier 2 reporting due to use of video cameras in police vehicles

### **Art. 2.133. Reports Required for Motor Vehicle Stops**

- (a) In this article, "race or ethnicity" has the meaning assigned by Article 2.132(a).
- (b) A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance shall report to the law enforcement agency that employs the officer information relating to the stop, including:
  - (1) a physical description of any person operating the motor vehicle who is detained as a result of the stop, including:
    - (A) the person's gender; and
    - (B) the person's race or ethnicity, as stated by the person or, if the person does not state the person's race or ethnicity, as determined by the officer to the best of the officer's ability;
  - (2) the initial reason for the stop;
  - (3) whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;
  - (4) whether any contraband or other evidence was discovered in the course of the search and a description of the contraband or evidence;
  - (5) the reason for the search, including whether:
    - (A) any contraband or other evidence was in plain view;
    - (B) any probable cause or reasonable suspicion existed to perform the search; or
    - (C) the search was performed as a result of the towing of the motor vehicle or the arrest of any person in the motor vehicle;
  - (6) whether the officer made an arrest as a result of the stop or the search, including a statement of whether the arrest was based on a violation of the Penal Code, a violation of a traffic law or ordinance, or an outstanding warrant and a statement of the offense charged;
  - (7) the street address or approximate location of the stop; and
  - (8) whether the officer issued a written warning or a citation as a result of the stop.

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

Amended by: Acts 2009, 81st Leg., R.S., Ch. 1172, Sec. 26, eff. September 1, 2009.

#### **Art. 2.134. Compilation and Analysis of Information Collected**

- (a) In this article:
  - (1) "Motor vehicle stop" has the meaning assigned by Article 2.132(a).
  - (2) "Race or ethnicity" has the meaning assigned by Article 2.132(a).
- (b) A law enforcement agency shall compile and analyze the information contained in each report received by the agency under Article 2.133. Not later than March 1 of each year, each law enforcement agency shall submit a report containing the incident-based data compiled during the previous calendar year to the Texas Commission on Law Enforcement and, if the law enforcement agency is a local law enforcement agency, to the governing body of each county or municipality served by the agency.
- (c) A report required under Subsection (b) must be submitted by the Chief Administrator of the law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, and must include:
  - (1) a comparative analysis of the information compiled under Article 2.133 to:
    - (A) evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities; 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
  - (2) information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.
- (d) A report required under Subsection (b) may not include identifying information about a peace officer who makes a motor vehicle stop or about

an individual who is stopped or arrested by a peace officer. This subsection does not affect the reporting of information required under Article 2.133(b)(1).

- (e) The Texas Commission on Law Enforcement, in accordance with Section 1701.162, Occupations Code, shall develop guidelines for compiling and reporting information as required by this article.
- (f) The data collected as a result of the reporting requirements of this article shall not constitute *prima facie* evidence of racial profiling.
- (g) On a finding by the Texas Commission on Law Enforcement that the Chief Administrator of a law enforcement agency intentionally failed to submit a report required under Subsection (b), the commission shall begin disciplinary procedures against the Chief Administrator.

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

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1172, Sec. 27, eff. September 1, 2009.

#### **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 stops is equipped with video camera and transmitter-activated equipment and each law enforcement motorcycle regularly used to make motor vehicle stops is equipped with transmitter-activated equipment; and
    - (B) each motor vehicle 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 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 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).

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

Amended by: Acts 2009, 81st Leg., R.S., Ch. 1172, Sec. 28, eff. September 1, 2009. Art. 2.136. LIABILITY. A peace officer is not liable for damages arising from an act relating to the collection or reporting of information as required by Article 2.133 or under a policy adopted under Article 2.132.

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

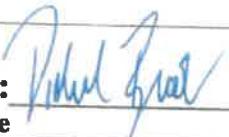
Art. 2.136. LIABILITY. A peace officer is not liable for damages arising from an act relating to the collection or reporting of information as required by Article 2.133 or under a policy adopted under Article 2.132.

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

# Parker Police Department

## Special Order 500 (Revised 06/01/2016)

- States purpose
- Establishes policy
- Prohibits discriminatory practices
- Establishes complaint process
- Establishes disciplinary and corrective actions
- Establishes public education
- Provides for training
- Establishes guidelines for data collection
- Use of video/audio equipment and review

<b>Parker Police Department</b>		<b>Special Orders</b>
<b>Subject:</b> Racial Profiling		<b>Number:</b> 500
<b>Effective Date:</b> 06/01/2016		<b>Review Date:</b> 03/10/2017
<b>Amends/Supersedes :</b> Any order issued previously		<b>Approved:</b>  Chief of Police
<b>Best Practice Standards:</b> 2.01		

**Note:** This Special Order is for internal use only and does not enhance an Officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this Special Order, if proven, can only form the basis of a complaint by this department and only in a non-judicial, administrative setting.

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#### **INDEX WORDS:**

Audio and Video Recording  
 Collection of Information  
 Complaint  
 Ethnicity  
 Race

Racial Profiling  
 Reporting  
 Review  
 Training

#### **I. PURPOSE**

- A. The purpose of this order is to reaffirm the City of Parker Police Department's commitment to unbiased policing in all its encounters with any person; to reinforce procedures that serve to ensure public confidence and mutual trust through the provision of services in a fair and equitable fashion; and to protect our officers from unwarranted accusations of misconduct when they act within the dictates of departmental policy and the law.

## II. POLICY

- A. 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, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group. 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.
- B. This Special Order is adopted in compliance with the requirements of Articles 2.131 through 2.136, Texas Code of Criminal Procedure, which prohibits Texas peace officers from engaging in racial profiling.

## III. DEFINITIONS

- A. **Racial Profiling** - a law enforcement-initiated action based on an individual's race, ethnicity, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity. Racial profiling pertains to persons who are viewed as suspects or potential suspects of criminal behavior. The term is not relevant as it pertains to witnesses, complainants, persons needing assistance, or other citizen contacts.
- B. **Race or Ethnicity** - persons of a particular descent, including Caucasian, African, Hispanic, Asian, Middle Eastern or Native American descent.
- C. **Acts Constituting Racial 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, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group rather than upon the individual's behavior, information identifying the individual as having possibly engaged in criminal activity, or other lawful reasons for the law enforcement action.
- D. **Motor Vehicle Stop** – means an occasion in which a peace officer stops a motor vehicle for an alleged violation of a law or ordinance.

**IV. PROHIBITION**

- A. Officers of the Parker 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.

**V. COMPLAINT PROCESS**

- A. No person shall be discouraged, intimidated or coerced from filing a complaint, or be discriminated against because they have filed a complaint.
- B. Any person who believes that a peace officer employed by the Parker Police Department has engaged in racial profiling with respect to that person, may file a complaint in accordance with the provisions of Special Order 300, Discipline/Complaints against Police Personnel.
  - 1. An employee who is contacted regarding a complaint against an officer shall follow the procedures set forth in Special Order 300, Section X, Investigation of Externally Originated Complaints.
  - 2. Citizens who appear in person wishing to file a complaint shall be directed to the Internal Affairs Investigator and provided with a departmental brochure, "How to File a Complaint." Brochures are maintained in the Parker Police Department lobby, and at Parker City Hall. Citizens may also be directed to the Departmental website to file a complaint.
- C. Any Officer or Investigator who becomes aware of an alleged or suspected violation of this Special Order shall report the alleged violation in accordance with Special Order 300, Discipline, Section XI. Investigation of Internally Originated Complaints.
- D. Complaints of racial profiling shall be classified as a Level I complaint, and shall be investigated by the Office of the Chief of Police or the Internal Affairs Investigator as directed by the Chief of Police. A log of all Racial Profiling Complaints will be maintained by the Internal Affairs Unit.

**VI. DISCIPLINARY AND CORRECTIVE ACTIONS**

A. Any officer of this Department who is found, after investigation, to have engaged in racial profiling in violation of this Special Order 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.

**VII. PUBLIC EDUCATION**

A. 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 Parker Police Department, and at the Parker City 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.

**VIII. COLLECTION OF INFORMATION AND ANNUAL REPORT WHEN CITATION ISSUED OR ARREST MADE**

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

1. Information identifying the race or ethnicity of the individual detained. The following codes will be used to identify the individual's race:

B = Black / African

A = Asian

I = Native American / American Indian

H = Hispanic

W = White / Caucasian

M = Middle Eastern

O = Other

U = Unknown

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.

2. Whether a search was conducted and if so, whether the individual detained consented to the search; and
3. Whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and
4. If the person contacted is a resident of the City of Parker, this shall be reflected in the Racial Profiling module in the Brazos ticket writing program.

B. The information collected shall be entered in to the Racial Profiling module in the Brazos ticket writing program by the officer in a timely manner. All stops requiring Racial Profiling data collection must be entered.

C. The Internal Affairs Investigator 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 City of Parker no later than March 1 of the following year. The report will include:

1. A breakdown of citations by race or ethnicity;
2. Number of citations that resulted in a search;
3. Number of searches that were consensual;
4. Number of citations that resulted in custodial arrest; and
5. Public education efforts concerning the racial profiling complaint process.

C. The annual report shall not include identifying information about any individual stopped or arrested, and shall not include identifying information about any peace officer involved in a stop or arrest.

D. Racial Profiling Data will also be reported to the Texas Commission on Law Enforcement (TCOLE) by March 1 of each year, following the Commission's prescribed format.

## **IX. AUDIO AND VIDEO EQUIPMENT**

- A. Each motor vehicle regularly used by this department to make motor vehicle stops shall be equipped with a mobile video camera system capable of recording video and audio.
- B. Each motor vehicle stop made by an officer of this department capable of being recorded by video and audio, shall be recorded.
- C. Investigators 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. Field Operations Officer 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 stop (PPD-008). All documentation must be submitted to the Internal Affairs Investigator 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; 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 his or her ability. Officers will not ask the individual to identify their race or ethnicity;
  2. Whether the officer knew the race or ethnicity of the individual detained before detaining that individual;
  3. The initial reason for the stop;
  4. Whether the officer conducted a search as a result of the stop, and, if so, whether or not the person detained consented to the search, signing the form (PPD-020);

5. Whether any contraband or other evidence was discovered in the course of the search and a description of the contraband or evidence;
6. 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 impound of the motor vehicle or the arrest of any person in the motor vehicle
7. 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.
8. The street address or approximate location of the stop;
9. Whether the officer issued a citation or a written warning as a result of the stop; and
10. Whether the person contacted is a resident or non-resident of the City of Parker. This shall be reflected on each citation issued, using an (R) for residents or an (NR) for non-resident.

## **XI. REVIEW OF VIDEO AND AUDIO DOCUMENTATION**

- A. Each audio and video recording shall be retained for a minimum period of one hundred eighty (180) days, unless a complaint is filed alleging that an officer has engaged in racial profiling with respect to a motor vehicle stop. The Internal Affairs Investigator shall ensure that all audio and recordings are properly stored and retained in accordance with applicable laws and this Special Order.
- B. If a complaint is received alleging that an officer has engaged in racial profiling, the audio / video recording shall be forwarded to the Office of the Chief of Police who shall retain the video until final disposition of the complaint has been made.
- C. The Internal Affairs Investigator or his 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. These reviews shall be conducted monthly and documented on the appropriate form (PPD-009)

1. Written documentation shall include:
  - a. the names of the officers whose stops were reviewed;
  - b. the date(s) of the videos reviewed;
  - c. the date the actual review was conducted; and
  - d. the name of the person conducting the review.
2. The Internal Affairs Investigator shall forward the required documentation to the Office of the Chief of Police.
3. The Internal Affairs Investigator shall maintain a file of all video review documentation performed, in compliance with this Special Order.

D. In reviewing audio and video recordings, the Internal Affairs Investigator or his 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.

## **XII. TRAINING**

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

**XIII. EFFECTIVE DATE**

- A. Any previous directive, rule, order or regulation that pertains to this subject matter and its amendments shall remain in full force and effect for any violation(s) which occur prior to the effective date of this Special Order.
- B. If any section, sentence, clause or phrase of this Special Order is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this Special Order.
- C. All training on this Special Order will be in accordance with Special Order 100, Written Directive System, Chapter VIII, Training.
- D. The effective date is stated in the header block of this Special Order.

# CITY OF PARKER POLICE DEPARTMENT

## PERSONNEL COMPLAINT PROCESS



### CITY OF PARKER

#### PARKER POLICE DEPARTMENT

5700 E. PARKER ROAD

PARKER, TEXAS 75002  
(972) 442-6999

(972) 429-7013

Your Police Department is made up of individuals who are dedicated to serving you and our community with Professional and Ethical Law Enforcement Services. The Police

Department will take action should an employee be found derelict in their duties or sustained in wrongdoings. Equally, we encourage you to tell the Employee(s), a Police Supervisor or the

Chief of Police of any outstanding performances that you observed.



## How to File a Complaint

The Parker Police Department is dedicated to providing the best Police Services possible to the residents and visitors of the City. Police Employees are carefully selected and given the best training available in order to provide Professional Services. However, you may have occasion to lodge a complaint in reference to the actions of a member of the Parker Police Department. In order to be responsive to you, we are providing the following guidelines on how complaints should be made, how they are investigated and their results.

## HOW ARE COMPLAINTS MADE?

Any person wishing to make a complaint may do so by coming to the Parker Police Department located at 5700 E. Parker Rd Parker, Texas 75002 or by visiting the department's website at [www.parker.texas.us](http://www.parker.texas.us). Complaints can be reported 24-hours a day to any member of the department or from 8:00am-5:00pm weekdays to the Chief of Police or members of the Internal Affairs Unit.

TEXAS STATE LAW (Government Code §14.022) requires that all complaints against Police Officers be in writing and signed by the person making the complaint. Just as Citizens who are arrested must be notified of the charges against them, Police Officers must be given copies of the complaints before any disciplinary action may be taken. The person who claims to be aggrieved must make the complaint. Other persons involved in the incident may give statement as witnesses.

Traffic Tickets issued or differences of opinion between Police Officers and Citizens over the issuance of Traffic Tickets for the guilt or innocence of persons arrested will not be investigated unless there are specific allegations of misconduct against members of the department.

## WHAT HAPPENS WHEN A COMPLAINT IS FOUND TO BE TRUE?

When the investigation of a complaint reveals that the charges are true, and should be sustained against a Police Employee, the Chief of Police notifies the employee and may take one of the following actions, depending on the nature of the violation:

- Reprimand the employee;
- Suspend the employee without pay;
- Demote the employee; or
- Discharge the employee

People who intentionally make false complaints or allegations against Police Officers violate Chapter 37 of the Texas Penal Code. Texas law provides punishment for an individual adjudged guilty of committing an offense if, with intent to deceive and with knowledge of the statement meaning, he / she makes a false statement under oath or swears to the truth of the statement previously made; and the statement is required or authorized by law to be made under oath.

A person who commits an offense under this section can be charged with offenses ranging from a Class B Misdemeanor to a Felon of the Third Degree. Punishments can range from confinement to 180 days in jail to 10 years of imprisonment and a fine not to exceed \$10,000.

## WHAT HAPPENS WHEN A COMPLAINT IS FOUND TO BE FALSE?

The decision to file a complaint with the Internal Affairs Unit is made by the Chief of Police. If the complaint is found to be false, the employee will be exonerated.

## WHAT IF YOU ARE NOT SATISFIED WITH THE DECISION?

If you are not satisfied with the results of the investigation, by Internal Affairs, you may appeal to:

- The Office of the Chief of Police, located at the Parker Police Department;
- The Collin County District Attorney's Office located at the Collin County Courthouse 2100 Bloomfield Suite 100 McKinney, Texas 75071 (972) 548-4223; or
- The Office of the Federal Bureau of Investigation located at 2801 Network Boulevard Suite 700 Frisco, Texas 75034 (214) 705-7000

The Parker Police Department is vitally concerned with the welfare of all residents and visitors of Parker. The Police Department will take action where employees have been proven derelict in their duties or are guilty of wrongdoing.

Likewise, if you see an employee doing an outstanding job, tell the employee or the Chief of Police. Your Parker Police Department is made up of individuals who are dedicated to serving you and our community.

## WHAT HAPPENS IF THE COMPLAINT IS NOT TRUE?

Police employees must be afforded certain rights the same as with all citizens and complaints must be supported by sufficient evidence. If there is not sufficient evidence to sustain the complaint, the Officer is notified and continues on duty. If he / she were removed from duty during the investigation, the employee will be paid for that period.

The Parker Police Department prohibits its Officers from engaging in Racial Profiling. A person wishing to make a complaint in reference to alleged Racial Profiling by a Parker Police Officer should follow the complaint process outlined in this document.

## OFFICERS CAN APPEAL THE DECISION

Just as citizens charged with criminal offenses can appeal a court's decision, Police Employees are afforded the right to appeal the actions taken against them. The City of Parker has established procedures for employees to follow in their appeals, just as the Police Department has established procedures for ensuring that complaints by citizens against Police Employees are thoroughly and impartially investigated.



**CIUDAD DE PARKER  
DEPARTAMENTO DE POLICÍA**

**PROCESO DE QUEJA PERSONAL**

**CIUDAD DE PARKER  
DEPARTAMENTO DE POLICIA PARKER**

**5700 E. PARKER ROAD**

**(972) 442-6999**

**(972) 429-7013**

**Richard D. Brooks  
JEFE DE LA POLICIA**

El Departamento de Policía está compuesta de personas que se dedican a usted y a nuestra comunidad de profesionales y éticos servicios encargados de hacer cumplir la ley. El Departamento de Policía tomará medidas si un empleado se encuentran abandonados en sus funciones o en actos indebidos. Igualmente, le animamos a que se avise al empleado(s), un policía Supervisor o Jefe de la policía de los espectáculos que se ha observado.



**Cómo presentar una queja**

PPD-013A

El Departamento de Policía Parker se dedica a proveer los mejores servicios de policía posible a los residentes y visitantes de la ciudad. Los agentes de policía son cuidadosamente seleccionados y con la mejor formación disponible con el fin de proporcionar servicios profesionales. Sin embargo, usted puede presentar una queja con referencia a la acción de un miembro del Departamento de Policía Parker. Con el fin de responder a usted, estamos ofreciendo los siguientes directrices sobre como quejas deben ser hechas, cómo éstas son investigadas y sus resultados.

## ¿CÓMO SON LAS QUEJAS?

Cualquier persona que deseé presentar una denuncia puede hacerlo al llegar a la Policía Parker Departamento ubicado en 5701 E. Parker Rd

Parker, Texas 75002 o visitando el sitio en la red del departamento de [WWW.ParkerTexas.us](http://WWW.ParkerTexas.us). Las quejas pueden ser informado 24 horas del día para cualquier miembro del departamento o de 8:00am-5pm en la semana al Jefe de la policía o los miembros de la Unidad de Asuntos Internos.

LEY ESTATAL DE TEXAS (Código de Gobierno 64.022) requiere que todas las denuncias contra agentes de la Policía que por escrito y firmado por la persona que hace la denuncia. Al igual que los ciudadanos que sean detenidos deben ser notificados de los cargos contra ellos, los oficiales de la policía se le dará copia de las quejas que se presentan ante cualquier medida disciplinaria puede ser tomado. La persona que afirma ser agraviado debe hacer la denuncia. Otras personas involucradas en el incidente puede dar declaración en calidad de testigos.

Multas de tráfico o las diferencias de opinión entre los policías y los ciudadanos respecto de la emisión de multas de tráfico para la culpabilidad o inocencia de las personas detenidas no se investigará si no hay denuncias concretas de conducta contra los miembros del departamento.

El Departamento de Policía Parker prohíbe a sus funcionarios de participar en perfiles raciales. Una persona que deseán hacer compatible en referencia a las supuestas perfiles raciales por un agente de la Policía Parker debe seguir el proceso de quejas expuestas en este documento.

Personas que intencionalmente falsas denuncias o acusaciones contra los policías violen el Capítulo 37 del Código Penal de Texas. El Senado aprobó un proyecto de ley prevé una sanción a una persona declarada culpable de cometer un delito si, con la intención de engañar y con el conocimiento de la declaración es decir, él / ella hace una declaración falsa bajo juramento o es adopta a la verdad de la declaración formulada anteriormente, y la declaración es requerido o autorizado por la ley para ser hecho bajo juramento.

La persona que comete un delito en virtud de esta sección puede ser acusado de delitos que van desde un delito Clase B a un delincuente en tercer grado. Las sanciones pueden ir desde su confinamiento en 180 días en prisión a 10 años de cárcel y una multa que no excede los \$10,000.

## ¿QUÉ SUCEDA CUANDO UNA RECLAMACIÓN SE ENCUENTRA PARA SER VERDAD?

- Cuando la investigación de una denuncia revela que las acusaciones son verdaderas, y es sustentado contra un agente de policía, el Jefe de la Policía notifica a los empleados y pueden adoptar una de las siguientes acciones, dependiendo de la naturaleza de la infracción:
  - Admonición al empleado
  - Suspender al empleado sin pagar.
  - Degradar el empleado.
  - Descarga del empleado

## ¿QUÉ SUCEDA SI LA DENUNCIA NO ES CIERTA?

Los empleados de la policía deben tener ciertos derechos al igual que con todos los ciudadanos y las quejas deben ser apoyada por pruebas suficientes. Si no hay suficiente evidencia para sustentar la denuncia, el funcionario se la notifica y continúa en el cumplimiento de su deber. Si él / ella se retiró de su cargo durante la investigación, el empleado será pagado por ese período.

## LOS OFICIALES PUEDEN APELAR LA DECISIÓN

Al igual que los ciudadanos acusados de delitos penales pueden apelar una decisión de la corte, los empleados de la policía se les concede el derecho a apelar las medidas adoptadas contra ellos. La ciudad de Parker ha establecido procedimientos para que los empleados sigan sus llamamientos, al igual que el Departamento de Policía ha establecido procedimientos para garantizar que las denuncias de los ciudadanos contra los agentes de policía son investigación exhaustiva e imparcial.

## ¿QUÉ PASA SI USTED NO ESTÁ SATISFECHO CON LA DECISIÓN?

Si usted no está satisfecho con los resultados de la investigación llevada a cabo por Asuntos Internos, usted puede apelar a:

- La Oficina del Jefe de la Policía, situado en el Departamento de Policía Parker.
- El Condado de Dallas Fiscal de Distrito ubicado en el Condado de Collin Bloomdale Courthouse 2100 Suite 100 McKinney, Texas 75071 (972) 549-4323. o
- La Oficina de la Oficina Federal de Investigación en Red 2801 Boulevard Suite 700 Frisco, Texas 75034 (214) 705-7000

El Departamento de Policía Parker tiene un interés vital en el bienestar de todos los residentes y visitantes de Parker. El Departamento de Policía tomará medidas cuando los empleados han sido negligentes en el desempeño de sus funciones o culpables de haber cometido infracciones.

Del mismo modo, si usted ve un empleado haciendo un trabajo sobre-saliente, digale al empleado o al Jefe de la policía. El Departamento de Policía Parker se compone de personas que se dedican a usted y a nuestra comunidad.

## **2016 Data Composition**

The Parker Police Department provides police services to the City of Parker. The data included in this report is from all traffic related contacts made by the Parker Police Department.

<b>Parker Police Contacts</b>	<b>602</b>
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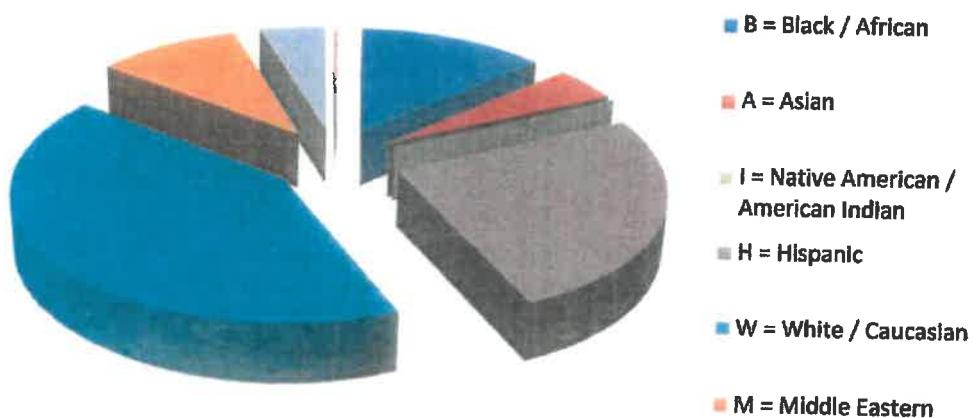
## 2016 Compliance

As required by the Texas Code of Criminal Procedures, the Parker Police Department has adopted Special Order 500, titled Racial Profiling, which fulfills the requirements of State House Bill 3389. In addition your Police Department developed Special Order 300 that specifies a process on “How to file a complaint against a Police Officer”, as well as collecting and reviewing data related to motor vehicle stops for the purpose of identifying and responding to complaints and/or concerns regarding Racial Profiling.

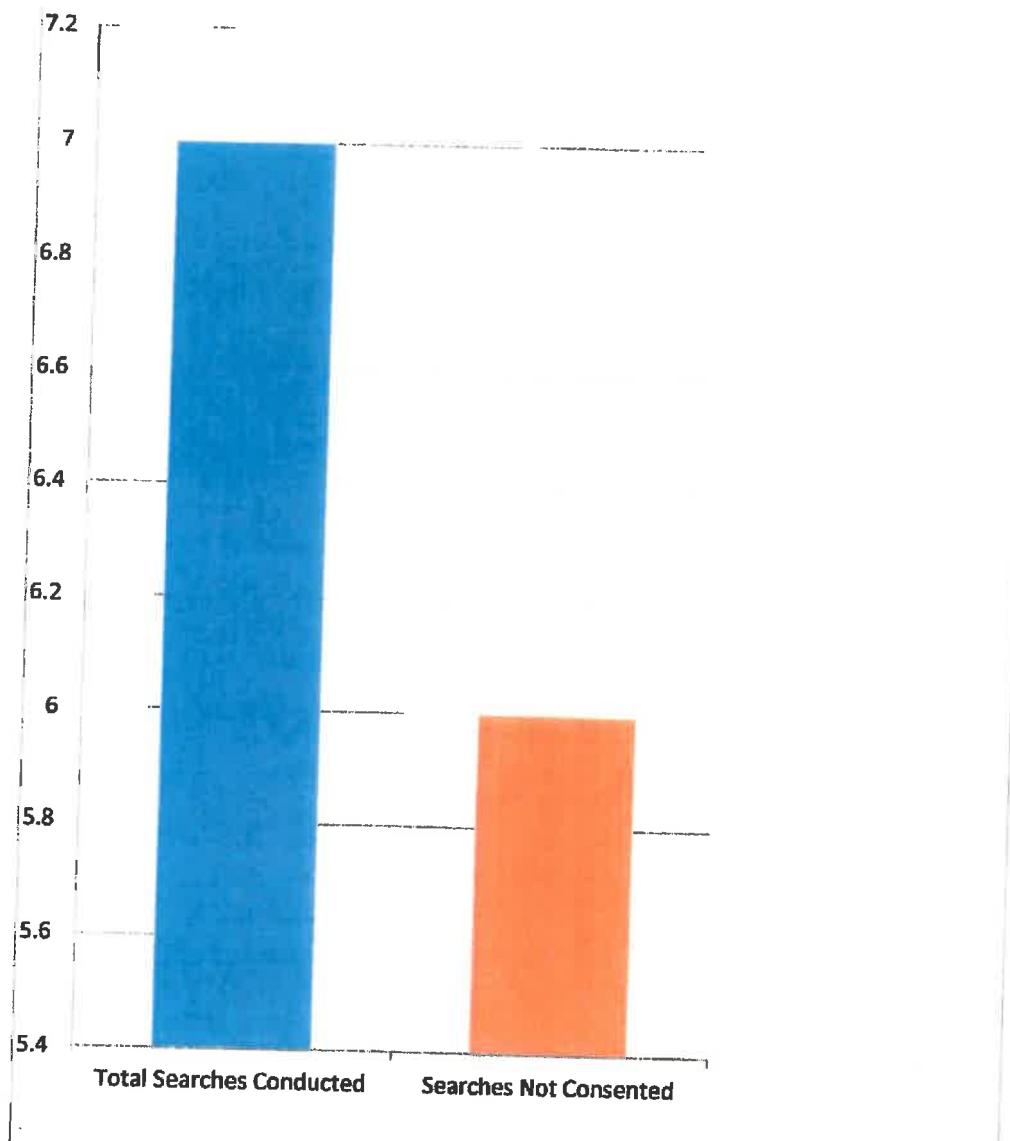
A review of the data began in January 2017 and during review of all information available, it appears the Parker Police Department is in compliance with Departmental Policies and Procedures, as well as applicable State and Federal laws regarding our contacts with individuals.

## Race or Ethnicity

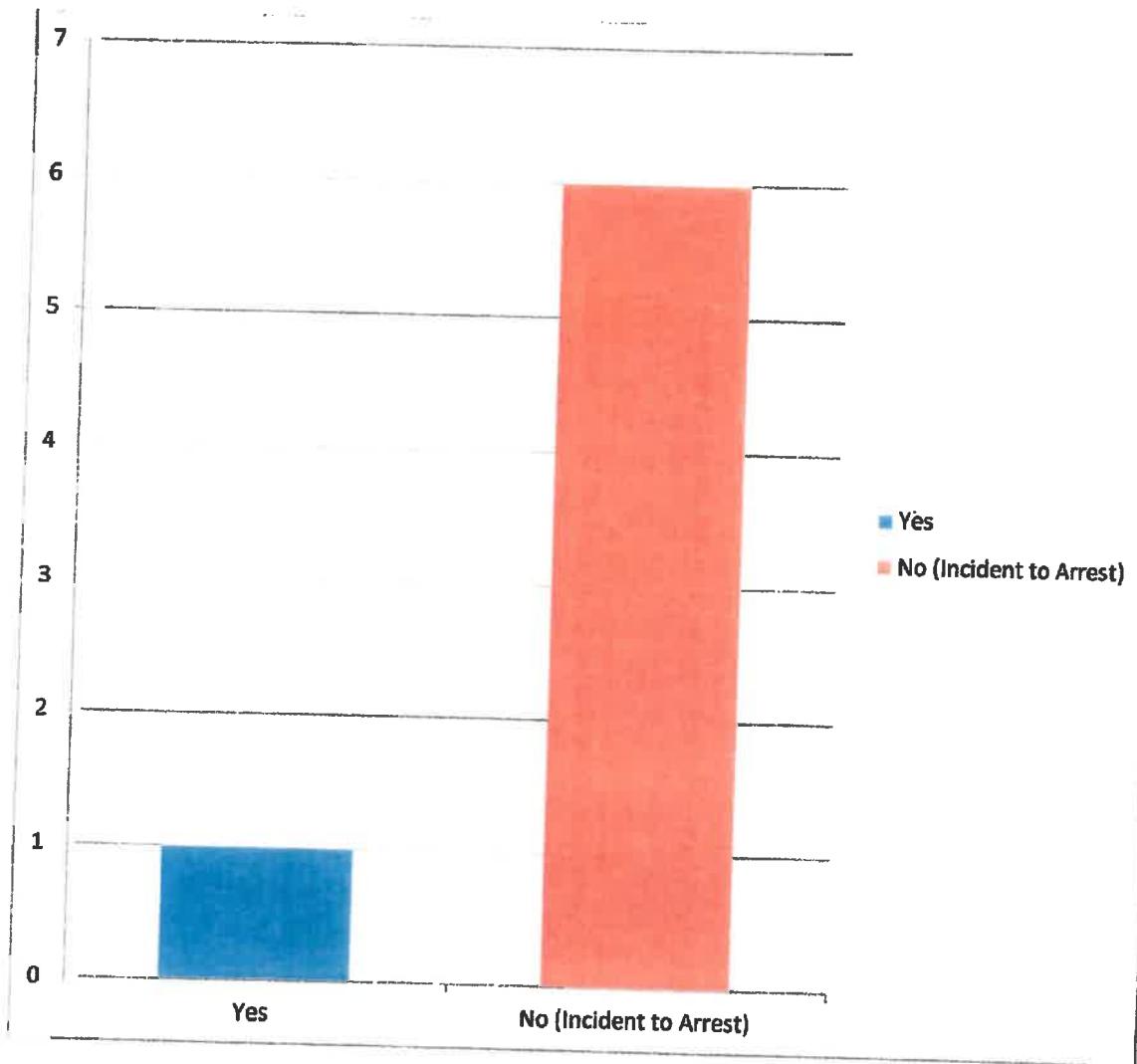
B = Black / African	78
A = Asian	27
I = Native American / American Indian	0
H = Hispanic	155
W = White / Caucasian	251
M = Middle Eastern	61
O = Other	28
U = Unknown	2
<b>Total Contacts</b>	<b>602</b>



<b>Total Searches Conducted</b>	7
<b>Searches Not Consented</b>	6

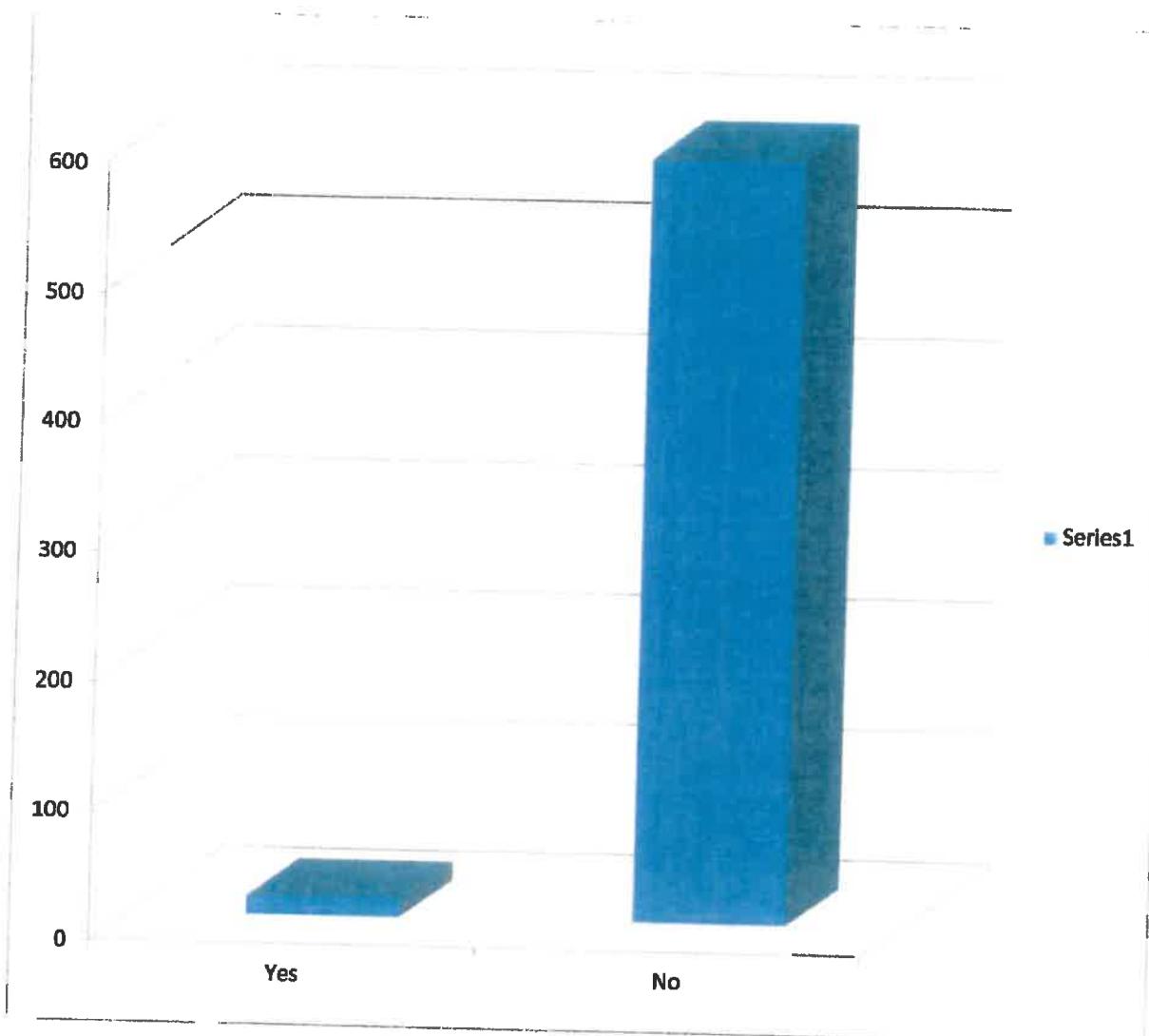


Total Searches	7
Consent Given	1
Incident to Arrest	6
No Consent Given	0



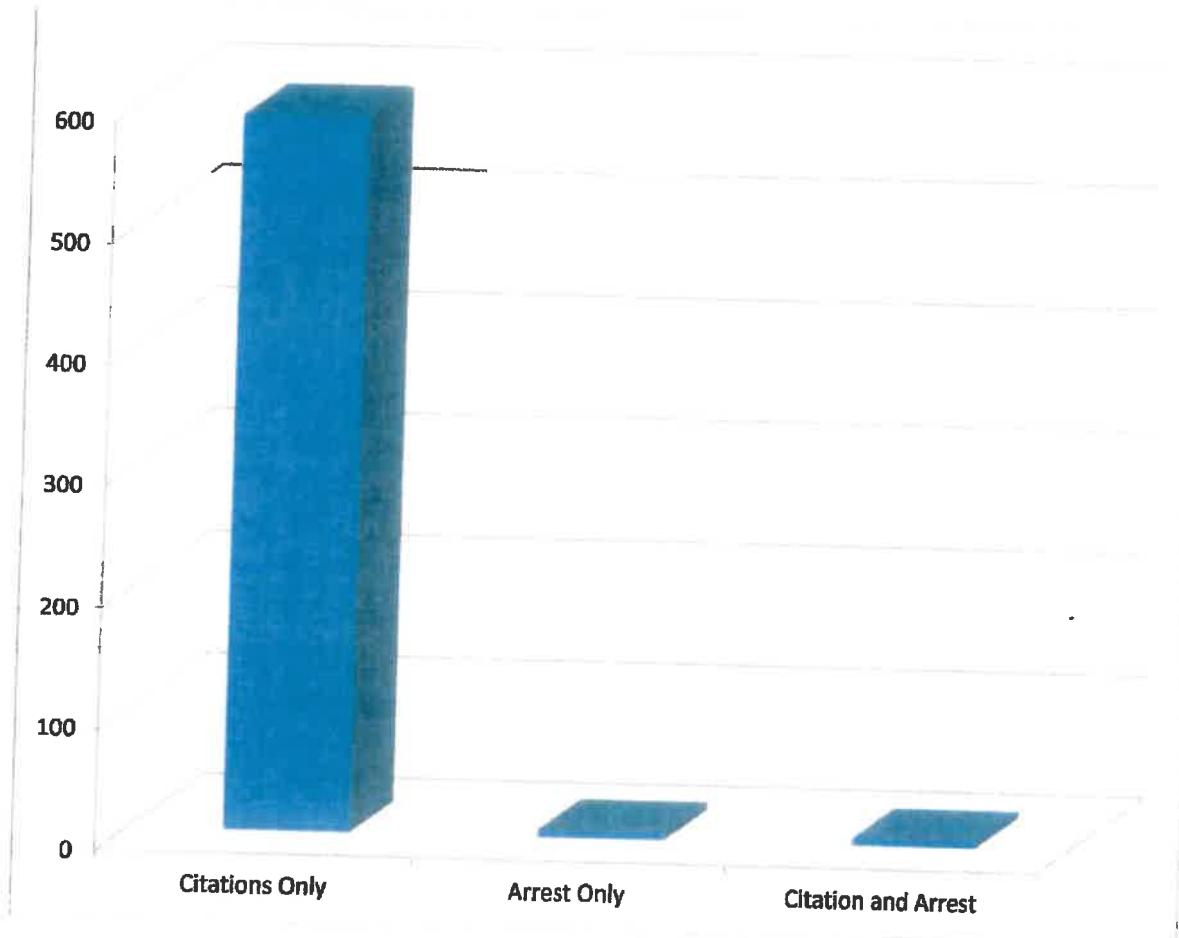
## Race or Ethnicity Known Prior to Stop

Yes	15
No	587
Total	602



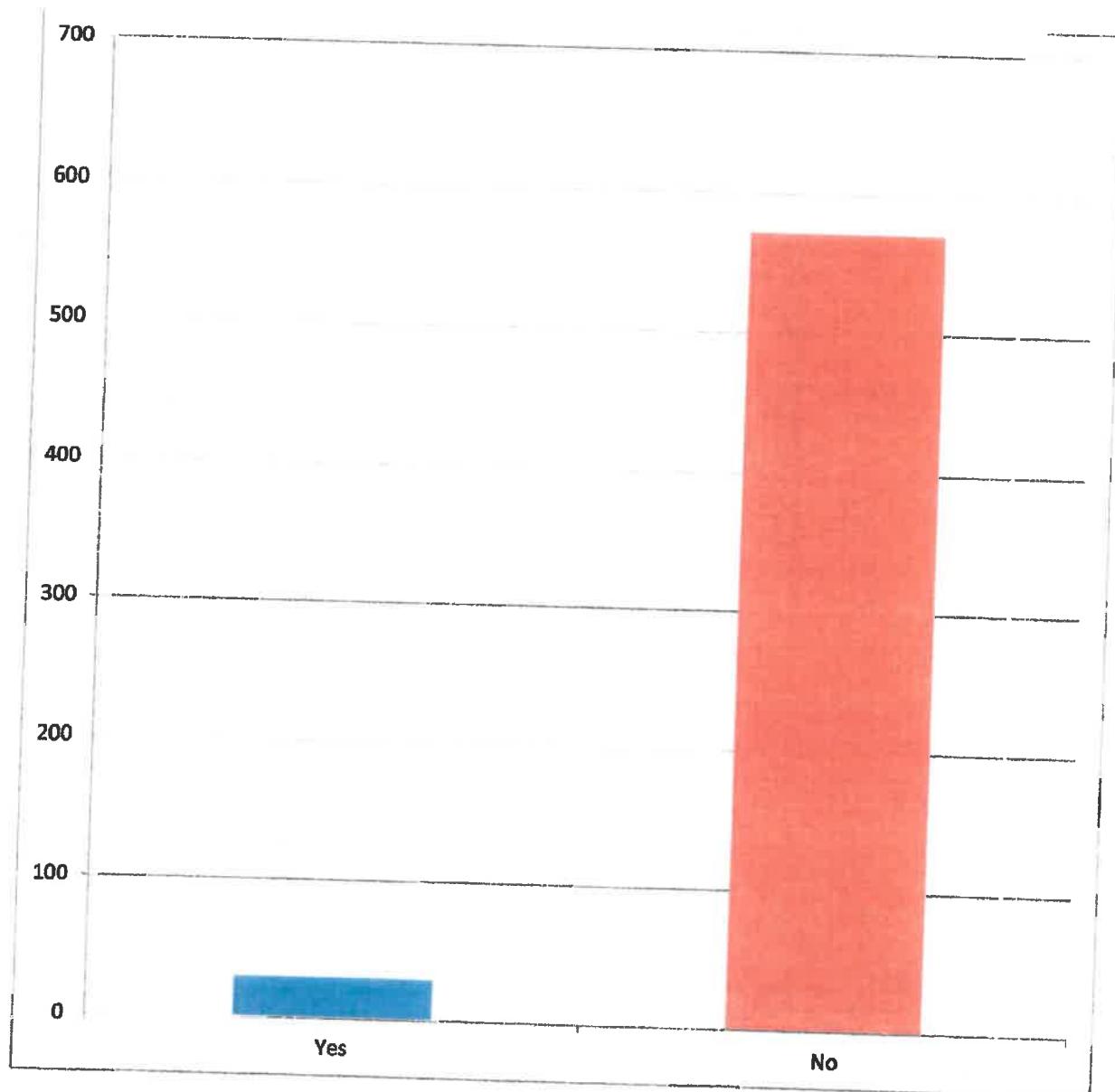
## Number of Motor Vehicle Stops

Citations Only	589
Arrest Only	7
Citation and Arrest	6
<b>Total</b>	<b>602</b>



## Resident Yes or No

Yes	30
No	572



**2016 Racial Profiling Report**

**TCOLE Submission**  
**Parker Police Department**

**Number of Motor Vehicle Stops**

1.	589	Citations only
2.	7	Arrest only
3.	6	Citations and Arrests

4. **602** **Total**

**Race or Ethnicity**

5.	78	African
6.	27	Asian
7.	251	Caucasian
8.	155	Hispanic
9.	61	Middle Eastern
10.	0	Native American
10.a	28	Other
10.b	2	Unknown

11. **602** **Total**

**Race or Ethnicity known prior to stop?**

12.	15	Yes
13.	587	No

14. **602** **Total**

**Search conducted?**

15.	7	Yes
16.	595	No

17. **602** **Total**

**Was search consented?**

18.	1	Yes
19.	6	No

20. **7** **Total**



## Parker Police Department



### Video/Audio Review (Racial Profiling)

A randomly selected sampling of video and audio recordings, made recently by Officers employed by the Department, will be reviewed to determine if patterns of Racial Profiling exist.

In reviewing video and audio recordings, the Internal Affairs Investigator or his designee, shall seek to determine if the Officer(s) reviewed have engaged in a pattern of Racial Profiling as described in Special Order 500 XI (A-D).

**These reviews shall be conducted weekly and documented below:**

**Date(s) of Video: From:** \_\_\_\_\_ **To:** \_\_\_\_\_ **Unit Number:** \_\_\_\_\_

**1) Name of Officer(s) reviewed:**

A) \_\_\_\_\_ B) \_\_\_\_\_

C) \_\_\_\_\_ D) \_\_\_\_\_

**2) Review By:** \_\_\_\_\_ **Date Reviewed:** \_\_\_\_\_  
Printed Name

**3) Notes: (Any findings of Racial Profiling or Violations of Policy)**

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Reviewing Officer Signature

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Date

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Chief of Police

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Date



## Parker Police Department



### Video/Audio Review (Racial Profiling)

A randomly selected sampling of video and audio recordings, made recently by Officers employed by the Department, will be reviewed to determine if patterns of Racial Profiling exist.

In reviewing video and audio recordings, the Internal Affairs Investigator or his designee, shall seek to determine if the Officer(s) reviewed have engaged in a pattern of Racial Profiling as described in Special Order 500 XI (A-D).

**These reviews shall be conducted monthly by Internal Affairs and documented below:**

**Date(s) of Video: From:** \_\_\_\_\_ **To:** \_\_\_\_\_ **Unit Number:** \_\_\_\_\_

**1) Name of Officer(s) reviewed:**

A) \_\_\_\_\_ B) \_\_\_\_\_

C) \_\_\_\_\_ D) \_\_\_\_\_

**2) Review By:** \_\_\_\_\_ **Date Reviewed:** \_\_\_\_\_  
Printed Name

**3) Notes: (Any findings of Racial Profiling or Violations of Policy)**

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Reviewing Officer Signature \_\_\_\_\_

Date \_\_\_\_\_

Chief of Police \_\_\_\_\_

Date \_\_\_\_\_