



AGENDA

CITY COUNCIL MEETING

FEBRUARY 1, 2022 @ 7:00 PM

Notice is hereby given the City Council for the City of Parker will meet on Tuesday, February 1, 2022, at 7:00 P.M. Pursuant to Tex. Gov't Code Section 551.127, Jim Reed of the City Council may appear virtually through videoconferencing. However, a quorum of the City Council will be physically present for the meeting, which will be conducted at Parker City Hall, 5700 E. Parker Road, Parker, Texas 75002 and such meeting shall be open to the public and live streamed.

CALL TO ORDER – Roll Call and Determination of a Quorum

PLEDGE OF ALLEGIANCE

AMERICAN PLEDGE: I pledge allegiance to the flag of the United States of America; and to the republic for which it stands, one nation under God, indivisible with liberty and justice for all.

TEXAS PLEDGE: Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.

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

ITEMS OF COMMUNITY INTEREST

- i. PARKS AND RECREATION COMMISSION (P&R) – WEDNESDAY, FEBRUARY 9, 2022, 6 PM
- COMPREHENSIVE PLAN (COMP) COMMITTEE - WEDNESDAY, FEBRUARY 16, 2022, 6 PM
- CITY FILING DEADLINE – FRIDAY, FEBRUARY 18, 2022, 5:00 PM

2022 PRIMARY ELECTION – PARKER CITY HALL

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
February 13	February 14 Early Voting 8am–5pm	February 15 Early Voting 8am–5pm	February 16 Early Voting 8am–5pm	February 17 Early Voting 8am–5pm	February 18 Early Voting 8am–5pm	February 19 Early Voting 7am–7pm
February 20 Early Voting 11am–5pm	February 21 <i>No Voting - President's Day</i>	February 22 Early Voting 7am–7pm	February 23 Early Voting 7am–7pm	February 24 Early Voting 7am–7pm	February 25 Early Voting 7am–7pm	February 26
February 27	February 28	March 1 Election Day 7am–7pm				

THURSDAY, APRIL 7, 2022 - LAST DAY TO REGISTER TO VOTE FOR THE MAY 7, 2022, GENERAL ELECTION ([**IMPORTANT 2022 ELECTION DATES**](#))

NATIONAL PRESCRIPTION DRUG TAKE BACK - SATURDAY, APRIL 30, 2022, 10AM-2PM

REMINDER – MAY 7, 2022 – GENERAL ELECTION (EV AND ED INFO)

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Apr 24	Apr 25 Early Voting 8am to 5pm	Apr 26 Early Voting 8am to 5pm	Apr 27 Early Voting 8am to 5pm	Apr 28 Early Voting 8am to 5pm	Apr. 29 Early Voting 8am to 5pm	Apr. 30 Early Voting 7am to 7pm

May 1	May 2 Early Voting 7am to 7pm	May 3 Early Voting 7am to 7pm	May 4	May 5	May 6	May 7 Election Day 7am to 7pm
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INDIVIDUAL CONSIDERATION ITEMS

2. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON ORDINANCE NO. 811, CALLING AN ELECTION TO BE HELD ON SATURDAY, MAY 7, 2022 TO ELECT A MAYOR AND TWO (2) CITY COUNCILMEMBERS AT-LARGE; PROVIDING FOR EARLY VOTING; AUTHORIZING THE MAYOR TO EXECUTE A JOINT GENERAL AND SPECIAL ELECTION SERVICES CONTRACT WITH COLLIN COUNTY; PROVIDING FOR THE ORDER AND NOTICE OF THE ELECTION; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.
3. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ACCEPTING A DONATION IN THE AMOUNT OF \$1,000 FROM DUANE AND KIM HINSHAW FOR P&R COMMISSION (CHECK #1301). [2022 0111 CC AGENDA ERROR]
4. DISCUSSION AND APPROPRIATE ACTION ON CANCELING THE MARCH 1, 2022, REGULAR CITY COUNCIL MEETING, DUE TO 2022 PRIMARY ELECTION DAY VOTING.
5. CONSIDERATION AND/OR ANY APPROPRIATE ACTION, ACCEPTING THE 2021 RACIAL PROFILING REPORT AND THE 2021 PARKER PD ANNUAL REPORT.
6. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION NO. 2022-693 CONFIRMING THE CONCLUSION OF THE APPOINTMENT OF AN INTERIM MUNICIPAL ATTORNEY; AND PROVIDING AN EFFECTIVE DATE.

ROUTINE ITEMS

7. UPDATE(S):

ANY COMMITTEE UPDATES, AS NEEDED.

ACCEPTANCE OF DONATION(S) FOR POLICE, FIRE, AND CITY STAFF DUE TO FOR THE RECORD (Each valued at between \$0 - \$500). [PETTLE]

Kathy Harvey donated several boxes of Girl Scout Cookies valued at \$50.00.

FUTURE AGENDA ITEMS

8. FUTURE AGENDA ITEMS

WORKSHOP

9. DISCUSSION ITEMS

TRASH AND BULK TRASH ORDINANCE UPDATE

PARK RULES

COMPLAINTS REGARDING ANIMAL SALES WITHIN THE SPECIAL ACTIVITY DISTRICT

AGENDA, PACKET, AND MINUTES

EXECUTIVE SESSION START TO FINISH - Pursuant to the provisions of Chapter 551, Texas Government Code the City Council may hold a closed meeting.

10. RECESS TO CLOSED EXECUTIVE SESSION IN ACCORDANCE WITH THE AUTHORITY CONTAINED IN:

- a. Government Code Section 551.074 Personnel—To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.
- b. Government Code Section 551.071(1)—Consultation with City Attorney concerning Pending or Contemplated Litigation.
- c. Government Code Section 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 (Open Meetings Act).

ADJOURN

In addition to any specifically identified Executive Sessions, Council may convene into Executive Session at any point during the open meeting to discuss any item posted on this Agenda. The Open Meetings Act provides specific exceptions that require that a meeting be open. Should Council elect to convene into Executive Session, those exceptions will be specifically identified and announced. Any subsequent action, as a result of this Executive Session, will be taken and recorded in open session.

I certify that this Notice of Meeting was posted on or before January 28, 2022, by 5:00 p.m. at the Parker City Hall, and as a courtesy, this Agenda is also posted to the City of Parker Website at www.parkertexas.us.

The Parker City Hall is Wheelchair accessible. Sign interpretations or other special assistance for disabled attendees must be requested 48 hours in advance by contacting the City Secretary's Office at 972 442 6811.

Date Notice Removed

Patti Scott Grey
City Secretary

The Parker City Hall is Wheelchair accessible. Sign interpretations or other special assistance for disabled attendees must be requested 48 hours in advance by contacting the City Secretary's Office at 972 442 6811.



Council Agenda Item

Budget Account Code:		Meeting Date: See above.
Budgeted Amount:		Department/ Requestor: City Secretary
Fund Balance-before expenditure:		Prepared by: City Secretary Scott Grey
Estimated Cost:		Date Prepared: January 26, 2022
Exhibits:	1. PARKS AND RECREATION COMMISSION (P&R) 2022 CALENDAR 2. COMPREHENSIVE PLAN (COMP) COMMITTEE 2022 CALENDAR 3. IMPORTANT 2022 ELECTION DATES	

PARKS AND RECREATION COMMISSION (P&R) – WEDNESDAY, FEBRUARY 9, 2022, 6 PM

COMPREHENSIVE PLAN (COMP) COMMITTEE - WEDNESDAY, FEBRUARY 16, 2022, 6 PM

CITY FILING DEADLINE – FRIDAY, FEBRUARY 18, 2022, 5:00 PM

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February 27	February 28	March 1 Election Day 7am-7pm				

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May 1	May 2 Early Voting 7am to 7pm	May 3 Early Voting 7am to 7pm	May 4	May 5	May 6	May 7 Election Day 7am to 7pm

SUMMARY

Please review information provided.

POSSIBLE ACTION

City Council may direct staff to take appropriate action.

Inter - Office Use			
Approved by:	Enter Text Here		
Department Head/ Requestor:	<i>Patti Scott Grey</i>	Date:	01/27/2022
City Attorney:	<i>Trey Lansford</i>	Date:	01/27/2022 via Municode Software
City Administrator:	<i>Luke B. Olson</i>	Date:	01/28/2022



P&R – 2nd Wednesday, 6 PM

January 12, 2022 – Canceled

February 9, 2022

March 9, 2022

April 13, 2022

May 11, 2022

June 8, 2022

July 13, 2022

August 10, 2022

September 14, 2022

October 12, 2022

November 9, 2022

December 14, 2022

P(EV 2/14-2/25/2022)

(EV 4/25-5/3/2022)

(EV 10/24-11/4/2022)

2022

JANUARY

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MARCH

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JULY

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DECEMBER

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COMP Committee – 3RD Wednesday, 6 PM

January 19, 2022

February 16, 2022* Primary

March 16, 2022

April 20, 2022

May 18, 2022

June 15, 2022

July 20, 2022

August 17, 2022

September 21, 2022

October 19, 2022

November 16, 2022

December 21, 2022

P(EV 2/14-2/25/2022)

(EV 4/25-5/3/2022)

(EV 10/24-11/4/2022)

2022

JANUARY						
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JUNE						
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SEPTEMBER						
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NOVEMBER						
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DECEMBER						
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Comprehensive Plan (COMP) Committee

Saturday, May 7, 2022 - Uniform Election Date (Limited)

Authority Conduction Elections	Local Political Subdivisions
	(County-ordered elections may not be held on this date. County Election Official may, but is not required to, contract to provide election services to political subdivisions holding elections on this date.)
Deadline to post candidate requirements ¹ Form 1-15 (PDF)	Friday, May 7, 2021
Deadline to Post Notice of Candidate Filing Deadline (Local Political Subdivisions Only) ¹	Monday, December 20, 2021 for local political subdivisions that have a first day to file for their candidates ¹
First Day to Apply for Ballot by Mail	Wednesday, January 1, 2022* <i>*First day to file does not move because of New Year's Day holiday. An "Annual ABBM" or FPCA for a January or February 2022 election may be filed earlier, but not earlier than the 60th day before the date of the January or February election.</i>
First Day to File for a Place on the General Election Ballot (Local Political Subdivisions Only) ¹	Wednesday, January 19, 2022
Last Day to Order General Election or Special Election on a Measure	Friday, February 18, 2022
Last Day to File for a Place on the General Election Ballot (Local Political Subdivisions Only) ²	Friday, February 18, 2022 at 5:00 p.m. See note below relating to four-year terms ³
Last Day to File a Declaration of Write-in Candidacy (Local Political Subdivisions Only)	Tuesday, February 22, 2022
Last Day to Register to Vote	Thursday, April 7, 2022
First Day of Early Voting by Personal Appearance	Monday, April 25, 2022

Last Day to Apply for Ballot by Mail (Received, not Postmarked)	Tuesday, April 26, 2022
Last Day of Early Voting by Personal Appearance	Tuesday, May 3, 2022
Last day to Receive Ballot by Mail	Saturday, May 7, 2022 (Election Day) at 7:00 p.m. if carrier envelope is not postmarked, OR Monday, May 9, 2022 (next business day after Election Day) at 5:00 p.m. if carrier envelope is postmarked by 7:00 p.m. at the location of the election on Election Day (unless overseas or military voter deadlines apply) ⁴



Council Agenda Item

Budget Account Code:	Meeting Date:	See above.
Budgeted Amount:	Department/ Requestor:	City Secretary
Fund Balance-before expenditure:	Prepared by:	City Secretary Scott Grey
Estimated Cost:	Date Prepared:	January 26, 2022
Exhibits:	1. Proposed Ordinance 2. Order and Notice of General Election (English/Spanish) 3. Election contract for election services with Collin County w/ cost estimate info and signature page	

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON ORDINANCE NO. 811, CALLING AN ELECTION TO BE HELD ON SATURDAY, MAY 7, 2022 TO ELECT A MAYOR AND TWO (2) CITY COUNCILMEMBERS AT-LARGE; PROVIDING FOR EARLY VOTING; AUTHORIZING THE MAYOR TO EXECUTE A JOINT GENERAL AND SPECIAL ELECTION SERVICES CONTRACT WITH COLLIN COUNTY; PROVIDING FOR THE ORDER AND NOTICE OF THE ELECTION; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

SUMMARY

TIME FOR ORDERING THE ELECTION

General election. A city must order its general election not later than the 78th day before Election Day, whether the election is held on the May or November uniform election date [Texas Election Code - ELEC § 3.005. Time for Ordering Election (c)]. For our May 7, 2022, election, that translates to February 18 as the statutory last day for ordering the election.

The ordinance authorizes the Mayor to execute a General Election contract for election services with Collin County and provides for the order and notice of the May 7, 2022, election.

POSSIBLE ACTION

City Council may direct staff to take appropriate action.

Inter – Office Use			
Approved by:	Enter Text Here		
Department Head/ Requestor:	<i>Patti Scott Grey</i>	Date:	01/27/2022
City Attorney:	<i>Trey Lansford</i>	Date:	01/27/2022 via Municode Software
City Administrator:	<i>Luke B. Olson</i>	Date:	01/28/2022

CITY OF PARKER, TEXAS
CIUDAD DE PARKER, TEXAS

ORDER AND NOTICE OF GENERAL ELECTION
(ORDEN Y AVISO DE ELECCION GENERAL)

To the Registered Voters of Parker, Texas: *(A los votantes registrados del Parker Texas;)*

An election is hereby ordered to be held on May 7, 2022, for the purpose of electing Mayor and two (2) Councilmembers-at-large. *(Por la presente se ordena que se llevara a cabo una eleccion el 7 de Mayo de 2022 con el proposito para elegir el Alcalde y dos (2) miembro del concilio.)*

Notice is hereby given that the polling places listed below will be open from 7:00 a.m. to 7:00 p.m., on May 7, 2022, for voting in a general election, to elect a Mayor and two (2) Councilmembers-at-Large.

(Notifquese, por las presente, que las casillas electorales citados abajo se abriran desde las 7:00 a.m. hasta las 7:00 p.m. el 7 de Mayo de 2022 para votar en la Eleccion General para elegir el Alcalde y dos (2) miembro del concilio.)

LOCATION(S) OF POLLING PLACES
(DIRECCION(ES) DE LAS CASILLAS ELECTORALES)

Precincts	Location	Address	City
“VOTE CENTER”	Parker City Hall	5700 E. Parker Road	Parker

* City voters may vote at any of the additional Election Day Vote Centers open under full contract services with the Collin County Elections Administration.

(Ciudad los electores pueden votar en cualquiera de los adicionales elecciones día votación centros abiertos bajo contrato completo de servicios con la administración de elecciones del Condado de Collin.)*

EARLY VOTING BY PERSONAL APPEARANCE WILL BE CONDUCTED EACH WEEKDAY AT
(LA VOTACION ADELANTADA EN PERSONA SE LLEVARA A CABO DE LUNES A VIERNES EN)

Polling Place			Address			City	
Collin County Election Office (Main Early Voting Location)			2010 Redbud Blvd., #102			McKinney	
Parker City Hall			5700 E. Parker Road			Parker	
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	
April 24	April 25 8am – 5pm	April 26 8am – 5pm	April 27 8am – 5pm	April 28 8am - 5pm	April 29 8am - 5pm	April 30 7am - 7pm	
May 1	May 2 7am – 7pm	May 3 7am – 7pm	May 4	May 5	May 6	May 7 7am – 7pm Election Day	

* City voters may vote at any of the additional Early Voting locations open under full contract services with the Collin County Elections Administration.

(Ciudad los electores pueden votar en cualquiera de los lugares de votación anticipada adicionales abiertos bajo contrato completo de servicios con la administración de elecciones del Condado de Collin.)*

Applications for ballot by mail shall be mailed to:

(Las solicitudes para boletas que se votaran en ausencia por correo deberan enviarse a:)

COLLIN COUNTY ELECTIONS ADMINISTRATION OFFICE
(Name of Early Voting Clerk –Bruce Sherbet) (Nombre del Secretario de la Votacion En Adelantada)

2010 REDBUD BLVD., SUITE 102, MCKINNEY, TEXAS 75069
(Address) (Direccion) (City) (Ciudad) (Zip Code) (Zona Postal)

Applications for ballots by mail must be received no later than the close of business on April 26, 2022.
(*Las solicitudes de boletas por correo deben ser recibidas a más tardar al cierre de los negocios el*)
(date) (fecha) : 20 abril de 2020.)

Issued this the 1st day of February, 2022.

(Esitada este dia 1 de febrero, 2022.)

Mayor Lee Pettle
Alcalde Lee Pettle

Mayor Pro Tem Cindy Meyer
Alcaldesa Pro Tem Ed Standridge

Councilperson Diana M. Abraham
Firma de la Persona Del Concilio Diana M. Abramham

Councilperson Terry Lynch
Firma de la Persona Del Concilio Terry Lynch

Councilperson Jim Reed
Firma de la Persona Del Concilio Cindy Meyer

Councilperson Michael Slaughter
Firma de la Persona Del Concilio Michael Slaughter

Instruction Note: A copy of this election order must be delivered to the County Clerk/Elections Administrator and Voter Registrar not later than 60 days before Election Day.

Nota de instrucción: Se deberá entregar una copia de esta orden de elección al/a la Secretario(a) del Condado/Administrador(a) de Elecciones y el/la Registrador(a) de Votantes a más tardar 60 días antes del día de elección.

ORDINANCE NO. 811
{Calling Regular Election}

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PARKER, TEXAS, CALLING FOR THE GENERAL ELECTION TO BE HELD ON SATURDAY, MAY 7, 2022 TO ELECT A MAYOR AND TWO (2) CITY COUNCIL MEMBERS AT-LARGE; PROVIDING FOR EARLY VOTING; AUTHORIZING THE MAYOR TO EXECUTE A JOINT GENERAL AND SPECIAL ELECTION SERVICES CONTRACT WITH COLLIN COUNTY; PROVIDING FOR THE ORDER AND NOTICE OF THE ELECTION; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PARKER, TEXAS:

SECTION 1. That, in accordance with the laws and the Constitution of the State of Texas, an election may be and the same is hereby called and ordered for the first Saturday in May, 2022, the same being the 7TH day of said month, at which election all qualified voters may vote for the purpose of electing a Mayor and two (2) city council members at-large for full terms, as defined in the statutes of the State of Texas.

SECTION 2. That said election shall be held pursuant to a Joint General and Special Election Services Contract with Collin County, Texas which the Mayor is hereby authorized to execute.

SECTION 3. That the County Elections Administrator shall prepare electronic ballots for early and election day voting and paper ballots for mail ballots and provisional ballots to be used in said election and shall label same "*Official Ballot*", on which ballot shall be printed the names of the candidates and the positions that are up for election.

SECTION 4. That no person's name shall be placed upon the official ballot as a candidate for the position of Mayor or Council Member unless such person has filed his/her sworn application, as provided by the laws of the State, with the City Secretary at least seventy-eight (78) days prior to the election date, and it must also appear on the face of said application the position the candidate is seeking.

SECTION 5. That any Mayoral or Council Member candidate receiving the greatest number of the qualified votes cast for the position for which he/she is a candidate shall be elected to such position. In the event a tie vote occurs, the City Council of said City, immediately after canvass, shall issue a call for a Special Election, as required by law, to be held not less than twenty (20) nor more than forty-five (45) days after the results of the Regular Election shall have been declared, at which election the candidates receiving a tie vote for any such position or positions in the regular election shall again be voted. If needed, a run-off election will be held in accordance with State law.

SECTION 6. That the polls shall be kept open from seven o'clock (7:00) a.m. until seven o'clock (7:00) p.m. Central Standard Time on Election Day, and that due return shall be made to the City Council showing the number of votes cast for each candidate for each position of Mayor and Council Member, respectively.

SECTION 7. That notice of said election shall be given by the Mayor of the City of Parker by causing an election notice to be posted at City Hall not later than the twenty-first day before election day, and by publishing this ordinance at least one time not more than thirty days nor less than ten days prior to the election date, in the newspaper of record for the City of Parker in accordance with the provisions of the Election Code of the State of Texas, as amended.

SECTION 8. That the polling place for Election Day shall be as follows:

Precincts	Location	Address	City
“VOTE CENTER”	Parker City Hall	5700 E. Parker Road	Parker

*City voters may vote at any of the additional Election Day Vote Centers open under full contract services with the Collin County Elections Administration.

SECTION 9. That the qualified voters, eligible to cast their ballots early under the laws of this State, shall be permitted to so cast their vote as set forth below:

Polling Place			Address		City	
Collin County Election Office (Main Early Voting Location)			2010 Redbud Blvd., #102		McKinney	
Parker City Hall			5700 E. Parker Road		Parker	
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
April 24	April 25 Early Voting 8am – 5pm	April 26 Early Voting 8am – 5pm	April 27 Early Voting 8am – 5pm	April 28 Early Voting 8am - 5pm	April 29 Early Voting 8am - 5pm	April 30 Early Voting 7am - 7pm
May 1	May 2 Early Voting 7am – 7pm	May 3 Early Voting 7am – 7pm	May 4	May 5	May 6	May 7 Election Day 7am – 7pm

* City voters may vote at any of the additional Early Voting locations open under full contract services with the Collin County Elections Administration.

SECTION 10. That, in accordance with the Joint General and Special Election Services Contract, the County Elections Administrator shall arrange for appointment, notification (including writ of election), training, and compensation of all presiding judges, alternate judges, the judge of the Central Counting Station and judge of the Early Voting Ballot Board.

SECTION 11. That the City Secretary is hereby authorized and directed to publish and/or post, in the time and manner prescribed by law, all notices required to be so published and/or posted in connection with this election.

SECTION 12. That the said election will be conducted in accordance with the Texas Election Code and only resident qualified voters of the City of Parker will be entitled to vote.

SECTION 13. That the canvass of the Election Returns will be held in the Council Chambers of City Hall, 5700 E. Parker Road, Parker, Texas, at the Regular Council Meeting of May 17, 2022.

SECTION 14. That it is hereby officially found and determined that the meeting at which this ordinance is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

SECTION 15. That all Ordinances or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provision of this Ordinance shall be and remain controlling as to the matters ordered herein.

INTRODUCED on this the 1st day of February, 2022.

ADOPTED on this the 1st day of February, 2022.

EFFECTIVE DATE on this the 1st day of February, 2022.

CITY OF PARKER, TEXAS

BY: _____
LEE PETTLE, MAYOR

ATTEST:

BY: _____
**PATTI SCOTT GREY,
CITY SECRETARY**

APPROVED AS TO LEGAL FORM:

BY: _____
**LARENCE M. LANSFORD, III,
CITY ATTORNEY**

JOINT GENERAL AND SPECIAL ELECTION SERVICES CONTRACT
("Election Services Contract")

ELECTION SERVICES AGREEMENT

BETWEEN

THE COLLIN COUNTY ELECTIONS ADMINISTRATOR
("Contracting Election Officer")

AND THE BELOW LISTED POLITICAL SUBDIVISIONS
("Participating Political Subdivisions")

CITY OF ALLEN
CITY OF ANNA
CITY OF BLUE RIDGE
CITY OF CARROLLTON
CITY OF CELINA
CITY OF FAIRVIEW
CITY OF FARMERSVILLE
CITY OF FRISCO
CITY OF GARLAND
CITY OF LUCAS
CITY OF MELISSA
CITY OF MURPHY
CITY OF NEVADA
TOWN OF NEW HOPE
CITY OF PARKER
CITY OF PROSPER
CITY OF SACHSE
TOWN OF SAINT PAUL

CITY OF WYLIE
ALLEN INDEPENDENT SCHOOL DISTRICT
ANNA INDEPENDENT SCHOOL DISTRICT
CELINA INDEPENDENT SCHOOL DISTRICT
COMMUNITY INDEPENDENT SCHOOL DISTRICT
FRISCO INDEPENDENT SCHOOL DISTRICT
LOVEJOY INDEPENDENT SCHOOL DISTRICT
MELISSA INDEPENDENT SCHOOL DISTRICT
PROSPER INDEPENDENT SCHOOL DISTRICT
ROCKWALL INDEPENDENT SCHOOL DISTRICT
WHITEWRIGHT INDEPENDENT SCHOOL DISTRICT
COLLIN COUNTY MUNICIPAL UTILITY DISTRICT NO. 5
MCKINNEY MUNICIPAL UTILITY DISTRICT NO. 1
MCKINNEY MUNICIPAL UTILITY DISTRICT NO. 2
BEAR CREEK SPECIAL UTILITY DISTRICT
NORTH COLLIN SPECIAL UTILITY DISTRICT
SEIS LEGOS SPECIAL UTILITY DISTRICT
WESTMINSTER SPECIAL UTILITY DISTRICT

FOR THE CONDUCT OF A JOINT ELECTION

TO BE HELD ON SATURDAY, MAY 7, 2022

TO BE ADMINISTERED BY THE COLLIN COUNTY ELECTIONS ADMINISTRATOR

1) ADMINISTRATION AND STATUTORY AUTHORITY

- a) Bruce Sherbet ("Bruce Sherbet") is the duly appointed County Elections Administrator ("Elections Administrator") of Collin County, Texas and the Department Head of the Collin County Elections Department. As such, Mr. Sherbet is the Election Administrator of Collin County, Texas and authorized by Subchapter D of Chapter 31 of Title 3 of the Texas Election Code to enter into this Election Services Contract with the contracting authorities of the Participating Political Subdivision.
- b) The contracting authorities of the Participating Political Subdivisions listed on the cover page of this Election Services Contract are hereby participating in the Joint Election to be held in Collin County, Texas on Saturday, May 7, 2022, under Chapter 271 of Title 16 of the Texas Election Code ("Joint Election") and are hereby contracting with the Elections Administrator of Collin County, Texas to perform the election services set forth in this Election Services Contract under Subchapter D of Chapter 31 of Title 3 of the Texas Election Code.

2) DUTIES AND SERVICES OF THE CONTRACTING ELECTION OFFICER

- a) The Contracting Election Officer shall be responsible for performing the following duties and shall furnish the following services and equipment:
 - i) The Contracting Election Officer will prepare and publish the required Notice of Election and post the required orders and resolutions to the Collin County website.
 - ii) The Contracting Election Officer shall arrange for appointment, notification (including writ of election), training and compensation of all presiding judges, alternate judges, the judge of the Central Count Station and judge of the Early Voting Ballot Board.
 - iii) The Contracting Election Officer shall be responsible for notification of each Election Day and Early Voting presiding judge and alternate judge of his or her appointment. The presiding election judge of each Vote Center will use his/her discretion to determine when additional workers are needed during peak voting hours.
 - iv) The Contracting Election Officer will determine the number of clerks to work in the Central Count Station and the number of clerks to work on the Ballot Board.
 - (1) Election judges shall attend the Contracting Election Officer's school of instruction (Election Law Class). A training event calendar will be provided.
 - (2) Election judges shall be responsible for picking up and returning election supplies to the county election warehouse located at 2010 Redbud Blvd., Suite 102, McKinney. Compensation for this pickup and delivery of supplies will be \$25.00.
 - v) The Contracting Election Officer shall compensate each election judge and worker. Each judge shall receive \$14.00 per hour, each alternate judge shall receive \$13.00 per hour for, and each clerk shall receive \$12.00 per hour for services rendered. Overtime will be paid to each person working over 40 hours per week.
- b) The Contracting Election Officer shall procure, prepare, and distribute voting machines, election kits and election supplies.
 - i) The Contracting Election Officer shall secure election kits, which include the legal documentation required to hold an election and all supplies.
 - ii) The Contracting Election Officer shall secure the tables, chairs, and legal documentation required to run the Central Count Station.
 - iii) The Contracting Election Officer shall provide all lists of registered voters required for use on Election Day and for the early voting period required by law.
 - iv) The Contracting Election Officer shall procure and arrange for the distribution of all election equipment and supplies required to hold an election.

- (1) Equipment includes the rental of ExpressVote Universal voting machines, ExpressTouch curbside voting machines, ADA compliant headphones and keypads, DS200 ballot counters, voting signs and election supply cabinets.
- (2) Supplies include paper ballot cards, Early Voting and Election Day supply kits, provisional ballot kits, security seals, pens, tape, markers, etc.

3) The Contracting Election Officer, Bruce Sherbet, shall be appointed the Early Voting Clerk.

- a) The Contracting Election Officer shall supervise and conduct Early Voting by mail and in person and shall secure personnel to serve as Early Voting Deputies.
- b) The Contracting Election Officer shall select the Early Voting Polling Locations and arrange for the use of each.
- c) Early Voting by personal appearance for the Participating Political Subdivision shall be conducted during the early voting dates and times and at the locations listed in Exhibit "A" attached and incorporated by reference into this Election Services Contract.
- d) All applications for an Early Voting mail ballot shall be received and processed by the Collin County Elections Administration Office located at 2010 Redbud Blvd., Suite 102, McKinney, Texas 75069.
 - i) Applications for mail ballots erroneously mailed to the Participating Political Subdivisions shall immediately be faxed to the Contracting Officer for timely processing. The original application shall then be forwarded to the Contracting Election Officer for proper retention.
 - ii) All Federal Post Card Applications (FPCA) will be sent a mail ballot. No postage is required.
- e) All Early Voting ballots (those cast by mail and those cast by personal appearance) shall be prepared for counting by the Early Voting Ballot Board in accordance with Section 87.000 of the Texas Election Code. The Contracting Officer shall appoint the presiding judge of this Board.

4) The Contracting Election Officer shall select the Election Day Vote Centers and arrange for the use of each.

- a) The Participating Political Subdivisions shall assume the responsibility of remitting their portion of cost of all employee services required to provide access, provide security or provide custodial services for the Vote Centers.
- b) The Election Day Vote Centers are listed in Exhibit "B", attached and incorporated by reference into this Election Services Contract.

5) The Contracting Election Officer shall be responsible for establishing and operating the Central Count Station to receive and tabulate the voted ballots in accordance with Section 127.001 of the Election Code and of this agreement. The Central Count Station Manager shall be Bruce Sherbet. The Central Count Station Judge shall be Kathi-Ann Rivard. The Tabulation Supervisor shall be Brian Greisbach.

- a) The Tabulation Supervisor shall prepare, test and run the county's tabulation system in accordance with statutory requirements and county policies, under the auspices of the Contracting Election Officer.
- b) The Public Logic and Accuracy Test of the electronic voting system shall be conducted in accordance with Election Law. The Contracting Election Officer will post the required Notice of Logic and Accuracy testing.
- c) Election night reports will be available to the Participating Political Subdivisions at the Central Counting Station on election night. Provisional ballots will be tabulated after election night in accordance with state law.
- d) The Contracting Election Officer shall prepare the unofficial canvass report after all precincts have been counted, and will provide a copy of the unofficial canvass to the Participating Political Subdivisions as soon as possible after all returns have been tallied.
- e) The Contracting Election Officer shall be appointed the custodian of the voted ballots and shall retain all election materials for a period of 22 months.

- i) Pending no litigation and as prescribed by law, the voted ballots shall be shredded 22 months after the election.
- f) The Contracting Election Officer shall conduct a manual count as prescribed by Section 127.201 of the Texas Election Code and submit a written report to the Participating Political Subdivisions in a timely manner. If applicable, a written report shall be submitted to the Secretary of State as required by Section 127.201 of the aforementioned code.

6) DUTIES AND SERVICES OF THE PARTICIPATING POLITICAL SUBDIVISIONS.

- a) The Participating Political Subdivisions shall assume the following duties:
 - i) Each Participating Political Subdivision will prepare, adopt, and publish all legally required election orders, resolutions, and other documents required by, or of, their governing bodies. Each Participating Political Subdivision is required to send Collin County Elections Department a copy of any election order or resolution related to this Joint Election within three business days of publishing, adopting or ordering it.
 - ii) The Participating Political Subdivision shall provide the Contracting Election Officer with an updated map and street index of their jurisdiction in an electronic (shape file preferred) or printed format as soon as possible but no later than Tuesday, February 22, 2022.
 - iii) The Participating Political Subdivision shall procure and provide the Contracting Election Officer with the ballot layout and Spanish interpretation in an electronic format.
 - (1) The Participating Political Subdivision shall deliver to the Contracting Election Officer as soon as possible, but no later than 5:00 PM Monday, February 28, 2022, the official wording for the Participating Political Subdivision's May 7, 2022, Joint General and Special Election.
 - (2) The Participating Political Subdivisions shall approve the "blue line" ballot format within 24 hours of receiving the proof and prior to the final printing.
 - iv) The Participating Political Subdivisions shall share in the cost and compensate the Contracting Election Officer for all associated cost including any additional verified cost incurred in the process of running this election or for a manual count, this election may require, consistent with charges and hourly rates shown on Exhibit "C" for required services.
- b) The Participating Political Subdivisions shall pay the Contracting Election Officer 90% of the estimated cost to run the said election prior to Friday, April 1, 2022. The Contracting Election Officer shall place the funds in a "contract fund" as prescribed by Section 31.100 of the Texas Election Code. The deposit should be made payable to the "Collin County Treasury" with a note "for election services" included with the check documentation and delivered to the Collin County Treasury, 2300 Bloomdale Rd., #3138, McKinney, Texas 75071.
- c) The Participating Political Subdivision shall pay the cost of conducting said election, less partial payment, including the 10% administrative fee, pursuant to the Texas Election Code, Section 31.100, within 30 days from the date of final billing. Additionally, all payments in excess of the final cost to perform the election will be refunded to the participating Political Subdivision.
- d) COST OF SERVICES. See Exhibits "C" and "D"

f) GENERAL PROVISIONS

- i) Nothing contained in this Election Services Contract shall authorize or permit a change in the officer with whom or the place at which any document or record relating to the Participating Political Subdivision's May 7, 2022, Joint General and Special Election is to be filed, or the place at which any function is to be carried out, or any nontransferable functions specified under Section 31.096 of the Texas Election Code.
- ii) Upon request, the Contracting Election Officer will provide copies of all invoices and other charges received in the process of running said election for the Participating Political Subdivision.
- iii) A Participating Political Subdivision canceling their election pursuant to Section 2.053 of the Texas Election Code shall pay the Contracting Officer a contract preparation fee of \$75.00 and will not be liable for any further costs incurred by the Contracting Officer.
- iv) The Contracting Officer shall file copies of this contract with the County Judge and the County Auditor of Collin County, Texas.

Joint General and Special Election
Collin County Early Voting Locations, Dates and Hours

Polling Place		Address	City			
Collin County Elections - Main		2010 Redbud Blvd, Ste. 102	McKinney 75069			
Allen ISD Service Center		1451 North Watters Road	Allen 75002			
Allen Municipal Courts Facility		301 Century Parkway	Allen 75013			
Anna City Hall		111 N. Powell Pkwy.	Anna 75409			
Blue Ridge ISD Administration Building		318 West School Street	Blue Ridge 75424			
Carpenter Park Rec Ctr		6701 Coit Road	Plano 75024			
Christ United Methodist Church		3101 Coit Road	Plano 75075			
Collin College Celina Campus		2505 Kinship Parkway	Celina 75009			
Collin College Farmersville Campus		501 S. Collin Parkway	Farmersville 75442			
Collin College Frisco Campus		9700 Wade Blvd.	Frisco 75035			
Collin College Higher Education Center		3452 Spur 399	McKinney 75069			
Collin College McKinney Campus		2200 University Drive	McKinney 75071			
Collin College Plano Campus		2800 Spring Creek Parkway	Plano 75074			
Collin College Wylie Campus		391 Country Club Road	Wylie 75098			
Community ISD Board Room		611 FM 1138 North	Nevada 75173			
Frisco Fire Station #8		14700 Rolater Road	Frisco 75034			
Gay Library		6861 W. Eldorado Pkwy	McKinney 75070			
Haggard Library		2501 Coit Road	Plano 75075			
Hunt Middle School		4900 Legendary Dr.	Frisco 75034			
Josephine City Hall		201 Main Street	Josephine 75173			
Lavon City Hall		120 School Road	Lavon 75166			
Lovejoy ISD Administration Bldg		259 Country Club Road	Allen 75002			
Lucas Community Center		665 Country Club Road	Lucas 75002			
Maus Middle School		12175 Coit Road	Frisco 75035			
McKinney Fire Station #5		6600 W Virginia Parkway	McKinney 75070			
McKinney Fire Station #7		861 Independence Parkway	McKinney 75070			
McKinney Fire Station #9		4900 Summit View Drive	McKinney 75071			
McKinney Fire Station #10		1150 Olympic Crossing	McKinney 75071			
Melissa City Hall		3411 Barker Avenue	Melissa 75454			
Michael J Felix Community Center		3815-E Sachse Road	Sachse 75048			
Murphy Community Center		205 N. Murphy Road	Murphy 75094			
New Hope Town Hall		121 Rockcrest Road	New Hope 75071			
Old Settlers Recreation Center		1201 E Louisiana St	McKinney 75069			
Parker City Hall		5700 E. Parker Road	Parker 75002			
Parr Library		6200 Windhaven Parkway	Plano 75093			
Plano ISD Administration Center		2700 W. 15th Street	Plano 75075			
Princeton Public Works		255 Monte Carlo Blvd	Princeton 75407			
Prosper Town Hall		250 W. First St.	Prosper 75078			
Wylie Senior Recreation Center		800 Thomas Street	Wylie 75098			
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
24-Apr	25-Apr Early Voting 8am – 5pm	26-Apr Early Voting 8am – 5pm	27-Apr Early Voting 8am – 5pm	28-Apr Early Voting 8am – 5pm	29-Apr Early Voting 8am – 5pm	30-Apr Early Voting 7am – 7pm
1-May	2-May Early Voting 7am – 7pm	3-May Early Voting 7am – 7pm	4-May	5-May	6-May	7-May

Joint General and Special Election
Collin County Election Day Vote Centers 7am - 7pm

Polling Place	Address	City
Aldridge Elementary School	720 Pleasant Valley Lane	Richardson 75080
Allen ISD Service Center	1451 North Watters Road	Allen 75002
Allen Municipal Courts Facility	301 Century Parkway	Allen 75013
Anna City Hall	111 N. Powell Pkwy.	Anna 75409
Armstrong Middle School	3805 Timberline Drive	Plano 75074
Blue Ridge ISD Admin Bldg	318 West School Street	Blue Ridge 75424
Bowman Middle School	2501 Jupiter Road	Plano 75074
Carpenter Middle School	3905 Rainier Road	Plano 75023
Carpenter Park Recreation Center	6701 Coit Road	Plano 75024
Christ United Methodist Church	3101 Coit Road	Plano 75075
Clark High School	523 W. Spring Creek Pkwy	Plano 75023
Collin College Celina Campus	2505 Kinship Parkway	Celina 75009
Collin College Farmersville Campus	501 S. Collin Parkway	Farmersville 75442
Collin College Frisco Campus	9700 Wade Blvd	Frisco 75035
Collin College Higher Education Center	3452 Spur 399	McKinney 75069
Collin College McKinney Campus	2200 University Drive	McKinney 75071
Collin College Plano Campus	2800 Spring Creek Pkwy	Plano 75074
Collin College Wylie Campus	391 Country Club Road	Wylie 75098
Collin County Elections Office	2010 Redbud Blvd, Ste. 102	McKinney 75069
Community ISD Board Room	611 FM 1138 North	Nevada 75173
Dowell Middle School	301 Ridge Road	McKinney 75070
Fairview Town Hall	372 Town Place	Fairview 75069
First Baptist Church Branch	7011 FM 546	Princeton 75407
Frisco Fire Station #8	14700 Rolater Road	Frisco 75034
Gay Library	6861 W Eldorado Pkwy	McKinney 75070
Haggar Elementary School	17820 Campbell Road	Dallas 75252
Haggard Library	2501 Coit Road	Plano 75075
Hunt Middle School	4900 Legendary Drive	Frisco 75034
Josephine City Hall	201 Main Street	Josephine 75173
Lavon City Hall	120 School Road	Lavon 75166
Lovejoy ISD Administration Bldg	259 Country Club Road	Allen 75002
Lowry Crossing City Hall	1405 S. Bridgefarmer Road	Lowry Crossing 75069
Lucas Community Center	665 Country Club Road	Lucas 75002
Maus Middle School	12175 Coit Road	Frisco 75035
McKinney Fire Station #5	6600 W Virginia Parkway	McKinney 75070
McKinney Fire Station #7	861 Independence Pkwy	McKinney 75070
McKinney Fire Station #9	4900 Summit View Drive	McKinney 75071
McKinney Fire Station #10	1150 Olympic Crossing	McKinney 75071
Melissa City Hall	3411 Barker Avenue	Melissa 75454
Michael J Felix Community Center	3815-E Sachse Road	Sachse 75048
Miller Elementary School	5651 Coventry Drive	Richardson 75082
Murphy Community Center	205 N. Murphy Road	Murphy 75094
New Hope Town Hall	121 Rockcrest Road	New Hope 75071
Old Settlers Recreation Center	1201 E Louisiana St	McKinney 75069

Joint General and Special Election
Collin County Election Day Vote Centers 7am - 7pm

Polling Place	Address	City
Parker City Hall	5700 E. Parker Road	Parker 75002
Parr Library	6200 Windhaven Pkwy	Plano 75093
Plano ISD Administration Center	2700 W. 15th Street	Plano 75075
Princeton Public Works	255 Monte Carlo Blvd	Princeton 75407
Prosper Town Hall	250 W. First St.	Prosper 75078
Royse City ISD Mike McKinney Maint Facility	1420 FM 1777	Royse City 75189
Shepton High School	5505 Plano Parkway	Plano 75093
Shiloh Missionary Baptist Church	920 E. 14th Street	Plano 75074
Stonebridge United Methodist Church	1800 S. Stonebridge Drive	McKinney 75070
Tom Muehlenbeck Recreation Center	5801 W. Parker Road	Plano 75093
UTD Callier Clinical Research Center	811 Synergy Park Blvd	Richardson 75080
Weston Community Center	117 Main Street	Weston 75097
Woodcreek Church	3400 E. Renner Road	Richardson 75082
Wylie Senior Recreation Center	800 Thomas Street	Wylie 75098

Collin County Election Services Estimate
May 7, 2022 General and Special Election

City of Parker

Registered Voters	4,140
Percentage	0.34%

Category	Cost Per Unit	Estimated		Estimated Entity Expenses
		Election	Expenses	
Early Voting by Mail				
Kits - Mail Ballots	\$ 1.15	\$ 4,370.00	\$ 14.84	
Postage	\$ 0.88	\$ 3,344.00	\$ 11.35	
Paper Ballot Printing Services	\$ 0.31	\$ -	\$ -	
Paper Ballot Shipping (per box)	\$ 30.00	\$ -	\$ -	
Ballot Stock - BOD	\$ 0.10	\$ 380.00	\$ 1.29	
Category Subtotal		\$ 8,094.00	\$ 27.48	
General Election Expenses				
Mileage	Per Election	\$ 500.00	\$ 1.70	
Van / Car Rental	Per Election	\$ 18,000.00	\$ 61.12	
Election Night Receiving Cover	Per Election	\$ 3,359.20	\$ 11.41	
Polling Place Rental	Per Election	\$ 2,110.80	\$ 7.17	
Notice of Election	Per Election	\$ 18,600.00	\$ 63.15	
Security - EV	Per Election	\$ 1,122.30	\$ 3.81	
Security - ED	Per Election	\$ 1,253.75	\$ 4.26	
Early Voting Ballot Board	Per Election	\$ 5,310.87	\$ 18.03	
FICA - Election Workers	Per Election	\$ 21,671.94	\$ 73.58	
County Employee/IT Overtime - EV	Per Election	\$ 29,765.78	\$ 101.06	
Process Pollworker Checks - EV	\$ 1.50	\$ 468.00	\$ 1.59	
Process Pollworker Checks - ED	\$ 1.50	\$ 696.00	\$ 2.36	
Process Election Judge Notices	\$ 1.50	\$ 145.50	\$ 0.49	
Drayage Per Location - ED	\$ 180.00	\$ 20,880.00	\$ 70.89	
Drayage Per Location - EV	\$ 180.00	\$ 14,040.00	\$ 47.67	
Category Subtotal		\$ 137,924.14	\$ 468.29	
Programming				
Coding Services	25 Days	\$ 41,250.00	\$ 140.06	
Ballotar Programming	Per Election	\$ 893.00	\$ 3.03	
Category Subtotal		\$ 42,143.00	\$ 143.09	
Early Voting by Personal Appearance				
Election Judge OT - EV	\$ 21.00	\$ 20,795.25	\$ 70.61	
Alternate Judge OT - EV	\$ 19.50	\$ 16,171.55	\$ 54.91	
Clerk OT - EV (5 per location)	\$ 18.00	\$ 30,986.10	\$ 105.21	
ES&S Support Staff / Field Techs - EV	28 Days	\$ 24,960.00	\$ 84.75	
Equipment Assembly - EV	\$ 50.00	\$ 1,950.00	\$ 6.62	
Category Subtotal		\$ 94,862.90	\$ 322.09	
Election Day				
ES&S Support Staff/Field Techs - ED	7 Days	\$ 3,840.00	\$ 13.04	
Equipment Assembly - ED	\$ 50.00	\$ 2,900.00	\$ 9.85	
Category Subtotal		\$ 6,740.00	\$ 22.88	
Tabulation				
Election Night Vendor Support	5 Days	\$ 22,625.00	\$ 76.82	
Notice of Inspection/Tabulation Test	Per Election	\$ 3,000.00	\$ 10.19	
Category Subtotal		\$ 25,625.00	\$ 87.00	

City of Parker

Registered Voters
Percentage

4,140
0.34%

Category	Cost Per Unit	Estimated Election Expenses	Estimated Entity Expenses
Supply Cost			
Ballots - Card Stock ExpressVote - EV	\$ 0.32	\$ 19,840.00	\$ 67.36
Ballots - Card Stock ExpressVote - ED	\$ 0.32	\$ 16,320.00	\$ 55.41
Test Ballots	\$ 0.29	\$ 1,102.00	\$ 3.74
Kits - ED	\$ 51.00	\$ 2,652.00	\$ 9.00
Kits - EV	\$ 19.00	\$ 1,463.00	\$ 4.97
Kits - Provisional EV	\$ 38.10	\$ 1,981.20	\$ 6.73
Kits - Provisional ED	\$ 38.10	\$ 2,933.70	\$ 9.96
Polling Place Maps - EV	\$ 25.00	\$ 975.00	\$ 3.31
Polling Place Maps - ED	\$ 25.00	\$ 1,450.00	\$ 4.92
Signs Metal (5 per location)	\$ 5.00	\$ 2,425.00	\$ 8.23
Signs Wood	\$ 2.00	\$ 194.00	\$ 0.66
Ballot Card Stock - Provisional - EV (50 PL)	\$ 0.14	\$ 409.50	\$ 1.39
Ballot Card Stock - Provisional - ED (50 PL)	\$ 0.14	\$ 609.00	\$ 2.07
Ballots - Sample - EV (1 per location)	\$ 0.29	\$ 16.97	\$ 0.06
Ballots - Sample - ED (1 per location)	\$ 0.29	\$ 25.23	\$ 0.09
Ballots - Sample All Race - EV (50 per location)	\$ 0.87	\$ 2,544.75	\$ 8.64
Ballots - Sample All Race - ED (50 per location)	\$ 0.87	\$ 3,784.50	\$ 12.85
Printer Labels - EV (1 roll per location)	\$ 5.00	\$ 195.00	\$ 0.66
Printer Labels - ED (1 roll per location)	\$ 5.00	\$ 290.00	\$ 0.98
Category Subtotal		\$ 59,210.85	\$ 201.04
Equipment			
Cabinet Security - EV	\$ 200.00	\$ 10,400.00	\$ 35.31
Cabinet Security - ED	\$ 200.00	\$ 15,400.00	\$ 52.29
Computer Cabinet - EV	\$ 50.00	\$ 1,950.00	\$ 6.62
DS200 Ballot Counter - EV	\$ 350.00	\$ 18,200.00	\$ 61.79
DS200 Ballot Counter - ED	\$ 350.00	\$ 26,950.00	\$ 91.50
ExpressVote - EV (9 per location)	\$ 200.00	\$ 96,600.00	\$ 327.99
Express Vote - ED (9 per location)	\$ 200.00	\$ 141,800.00	\$ 481.45
ExpressTouch - EV	\$ 200.00	\$ 7,800.00	\$ 26.48
ExpressTouch - ED	\$ 200.00	\$ 11,600.00	\$ 39.39
Category Subtotal		\$ 330,700.00	\$ 1,122.83
Personnel			
Election Judge - EV	\$ 14.00	\$ 37,414.58	\$ 127.03
Election Judge - ED	\$ 14.00	\$ 11,593.12	\$ 39.36
Alternate Election Judge - EV	\$ 13.00	\$ 31,898.10	\$ 108.30
Alternate Election Judge - ED	\$ 13.00	\$ 9,902.49	\$ 33.62
Clerk - EV (3 per location)	\$ 12.00	\$ 99,707.40	\$ 338.54
Clerk - ED (3 per location)	\$ 12.00	\$ 32,718.84	\$ 111.09
Judge Delivery - EV	\$ 25.00	\$ 975.00	\$ 3.31
Judge Delivery - ED	\$ 25.00	\$ 1,450.00	\$ 4.92
Category Subtotal		\$ 225,659.53	\$ 766.18
Election Expense			
Cost		\$ 930,959.41	\$ 3,160.89
10% Administrative Fee			\$ 316.09
Total Cost			\$ 3,476.98
90% Deposit Due by April 1, 2022			\$ 3,129.28
Less Deposit			
Less Payment			
Final Amount Due			

May 7, 2022 General and Special Election Services

Political Subdivision	Registered Voters	Share Percentage
City of Allen	68155	5.59%
City of Anna	10917	0.90%
City of Blue Ridge	528	0.04%
City of Carrollton	345	0.03%
City of Celina	11395	0.93%
Town of Fairview	8341	0.68%
City of Farmersville	2084	0.17%
City of Frisco	69881	5.73%
City of Garland	174	0.01%
City of Lucas	5847	0.48%
City of Melissa	9764	0.80%
City of Murphy	13942	1.14%
City of Nevada	971	0.08%
Town of New Hope	505	0.04%
City of Parker	4140	0.34%
Town of Prosper	16926	1.39%
City of Sachse	6327	0.52%
Town of St. Paul	778	0.06%
City of Wylie	32434	2.66%
Collin County	666726	54.68%
Allen Independent School District	71136	5.83%
Anna Independent School District	13141	1.08%
Celina Independent School District	10213	0.84%
Community Independent School District	10011	0.82%
Frisco Independent School District	105394	8.64%
Lovejoy Independent School District	12375	1.01%
Melissa Independent School District	12363	1.01%
Prosper Independent School District	40498	3.32%
Rockwall Independent School District	5	0.00%
Whitewright Independent School District	55	0.00%
Collin County Municipal Utility District No. 5	0	0.00%
McKinney Municipal Utility District No. 1	2940	0.24%
McKinney Municipal Utility District No. 2	250	0.02%
Bear Creek Special Utility District	4289	0.35%
North Collin Special Utility District	3954	0.32%
Seis Legos Special Utility District	1466	0.12%
Westminster Special Utility District	1061	0.09%
Total	1219331	

WITNESS BY MY HAND THIS ____ DAY OF _____ 2022.

Bruce Sherbet, Elections Administrator
Collin County, Texas

WITNESS BY MY HAND THIS 1st DAY OF FEBRUARY 2022.

By: _____
Lee Pettle, Mayor
City of Parker

Attest: _____
Patti Grey, Asst. City Manager
City of Parker

APPROVED AS TO LEGAL FORM:

By: _____
Larence M. Lansford, III, City Attorney
City of Parker



Council Agenda Item

Budget Account Code:		Meeting Date: See above.
Budgeted Amount:		Department/ Requestor: City Council
Fund Balance-before expenditure:		Prepared by: ACA/CS Scott Grey for City Administrator Olson
Estimated Cost:		Date Prepared: January 27, 2022
Exhibits:	<ul style="list-style-type: none"> • Res. No. 2016-520, passed and approved August 30, 2016 • Duane and Kim Hinshaw check, dated December 7, 2021 	

AGENDA SUBJECT

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ACCEPTING A DONATION IN THE AMOUNT OF \$1,000 FROM DUANE AND KIM HINSHAW FOR P&R COMMISSION (CHECK #1301). [2022 0111 CC AGENDA ERROR]

SUMMARY

The Mayor and Council will consider accepting a donation in the amount of \$1,000 from Duane and Kim Hinshaw for the Parks and Recreation Commission. The donation was listed in the wrong section of the January 11, 2022, City Council agenda for proper documentation.

POSSIBLE ACTION

City Council may direct staff to take appropriate action.

Inter – Office Use			
Approved by:	Enter Text Here		
Department Head/ Requestor:	<i>Patti Scott Grey</i>	Date:	01/27/2022
City Attorney:	<i>Trey Lansford</i>	Date:	01/27/2022 via Municode Software
City Administrator:	<i>Luke B. Olson</i>	Date:	01/28/2022

RESOLUTION NO. 2016-520
(Acceptance of Gifts to the City by the Mayor)

A RESOLUTION OF THE CITY OF PARKER, COLLIN COUNTY, TEXAS, AUTHORIZING THE MAYOR TO ACCEPT, OR REJECT, GIFTS TO THE CITY OF PARKER OF A VALUE OF \$500.00 OR LESS; AND REQUIRING A RECORD TO BE KEPT BY THE CITY OF ALL ACCEPTED OR REJECTED GIFTS.

WHEREAS, the prior policy of the City of Parker has been for the City to take formal action regarding the proposed donation of all gifts to the City of Parker, and

WHEREAS, the City Council has determined that gifts to the City of a value of \$500.00 or less could be accepted, or rejected, by the Mayor at the Mayor's discretion, and

WHEREAS, all other gifts, and all gifts including any form of real estate, shall continue to be placed on the City Council Agenda;

NOW, THEREFORE BE IT RESOLVED by the City Council by the City of Parker, Texas as follows:

1. The Mayor is authorized to accept or reject in writing all gifts offered to the City of Parker of a monetary value of \$500.00 or less, and excluding all other gifts; including any form of real estate. The Mayor may make such inquiry as to the nature and purpose of the gift as the Mayor requires.
2. All gifts of a value of more than \$500.00, or which include real estate, shall be placed on the City Council Agenda for formal approval, or rejection, by vote of the City Council.
3. A written or electronic record of each and every gift offered to, and either accepted or rejected by the City of Parker shall be maintained as a public record. The minutes of a city council meeting are sufficient.

Resolved this 30th day of August, 2016.



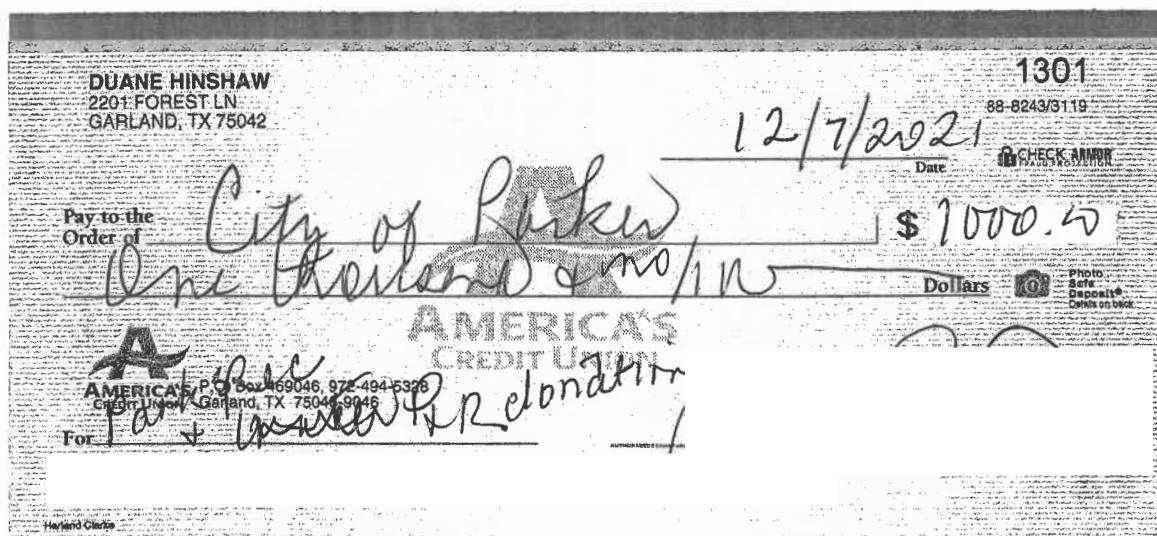
Marshall, Mayor

ATTEST:

Patti Scott Grey
Patti Scott Grey, City Secretary

APPROVED AS TO FORM:

James E. Shepherd
James E. Shepherd, City Attorney





Council Agenda Item

Budget Account Code:	Meeting Date:	See above.
Budgeted Amount:	Department/ Requestor:	City Council
Fund Balance-before expenditure:	Prepared by:	City Secretary Scott Grey for City Administrator Olson
Estimated Cost:	Date Prepared:	January 27, 2022
Exhibits:	• <u>None</u>	

DISCUSSION AND APPROPRIATE ACTION ON CANCELING THE MARCH 1, 2022, REGULAR CITY COUNCIL MEETING, DUE TO 2022 PRIMARY ELECTION DAY VOTING.

SUMMARY

Due to March 1, 2022, Primary Election Day voting, the Mayor has requested City Council consider canceling the Tuesday, March 1, 2022, regular City Council meeting.

POSSIBLE ACTION

City Council may direct staff to take appropriate action.

Inter – Office Use			
Approved by:	Enter Text Here		
Department Head/ Requestor:	<i>Patti Scott Grey</i>	Date:	01/27/2022
City Attorney:	<i>Trey Lansford</i>	Date:	01/27/2022 via Municode Software
City Administrator:	<i>Luke B. Olson</i>	Date:	01/28/2022



Council Agenda Item

Budget Account Code:	Meeting Date: See above.
Budgeted Amount:	Department/ Requestor: City Council
Fund Balance-before expenditure:	Prepared by: Parker Police Chief Richard Brooks
Estimated Cost:	Date Prepared: January 27, 2022
Exhibits:	<ol style="list-style-type: none"> 1. <u>2021 Parker PD Racial Profiling Report</u> 2. <u>2021 Parker PD Annual Report</u>

AGENDA SUBJECT

CONSIDERATION AND/OR ANY APPROPRIATE ACTION, ACCEPTING THE 2021 RACIAL PROFILING REPORT AND THE 2021 PARKER PD ANNUAL REPORT.

SUMMARY

Please review the attached 2021 Racial Profiling Report. By reporting this information to the City Council and the Texas Commission on Law Enforcement (TCOLE) this will fulfill the totality of our obligation as required by the Texas Code of Criminal Procedure and State House Bill 3389. Should City Council have any questions, suggestions or in need of any clarification, please contact Chief Richard Brooks. Chief Brooks also included the 2021 Parker PD Annual Report for your review. This is the third year of a five-year annual report project to provide Council with a long-range statistical tool for identifying trends in police reported activity and to highlight yearly accomplishments.

POSSIBLE ACTION

City Council may direct staff to take appropriate action.

Inter – Office Use			
Approved by:	Enter Text Here		
Department Head/ Requestor:	<i>Richard D. Brooks</i>	Date:	01/26/2022
City Attorney:	<i>Trey Lansford</i>	Date:	01/27/2022 via Municode Software
City Administrator:	<i>Luke B. Olson</i>	Date:	01/28/2022

Parker Police Department



2021 Racial Profiling

Report

February 2021

Parker Police Department
Richard Brooks
Chief of Police

In compliance with the Sandra Bland Act





Introduction



Message to the Parker City Council

January 11, 2021
 Parker City Council
 5700 East Parker Road
 Parker, Texas 75002

Honorable Mayor and Distinguished Members of the City Council,

The Texas Legislature, with the intent of addressing the issue of racial profiling, enacted in 2001, the Texas Racial Profiling Law. During the past year, the Parker Police Department, in accordance with the law, has collected and reported 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. Moreover, 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 requires that law enforcement agencies in the State collect additional data and provide a more detailed analysis. All these requirements have been met by the Parker Police Department and are included in this report.

This report contains three sections with information on motor vehicle-related contact data. In addition, when appropriate, documentation is also a component of this report, aiming at demonstrating the way the Parker Police Department has complied with the Texas Racial Profiling Law. In section 1, you will find the Table of Contents in addition to the Texas senate Bill (SB1074); which later became the Texas Racial Profiling Law. Further, you will find the Texas HB 3389, which, in 2009, introduced new requirements relevant to racial profiling as well as the Sandra Bland Act. Also, in this section, a list of requirements relevant to the Racial Profiling Law as established by the Texas Commission on Law Enforcement (TCOLE) is included. In addition, you will find, in section 2 and 3 documentation which demonstrates compliance by the Parker Police Department relevant to the requirements as established in the Texas Racial Profiling Law. That is, you will find documents relevant to the implementation of an institutional policy banning racial profiling, the incorporation of a racial profiling complaint process and the training administered to all law enforcement personnel.

The last section of this report includes statistical data relevant to contacts, made during motor vehicle stops and in accordance with the law, between 01/01/2021 and 12/31/2021. In addition, this section contains the TCOLE Tier 2 form, which is required to be submitted to this organization by March 1st of each year. The data in this report has been analyzed ad compared to data derived from the U.S. Census Bureau's Fair Roads Standard and the U.S Census Quick Facts December 17, 2021. The final analysis and recommendations are also included in this report. The findings in this report serve as evidence of the Parker Police Department's commitment to comply with the Racial Profiling Law.

As Council is aware this report has been prepared by a vendor for the last several years. This document is the first report prepared by Department members since 2016. Please take the time to review the information contained in this report to ensure, in your opinion, that the City of Parker is meeting the spirit of the law intended to ensure the Parker Police Department is not engaged in racial profiling practices.

Sincerely,
 Richard Brooks
 Chief of Police

Table of Contents

Click on the page number to jump to each sub-section. Click on "Table of Contents" at the bottom of each sub-section to return.

Introduction

Letter to City Council	3
Table of Contents	4

Responding to the Law

Public Education and Filing Compliments and Complaints	6
Racial Profiling Course Number 3256	8
Reports on Compliments and Racial Profiling Complaints	24
Tier 2 Data (Includes Tables)	26

Analysis and Interpretation of Data

Tier 2 Motor Vehicle-Related Contact Analysis and Comparative Analysis	40
Summary of Findings	45
Checklist	47

Legislative and Administrative Addendum

TCOLE Guidelines	50
The Texas Law on Racial Profiling	56
Modifications to the Original Law	63
Racial and Ethnic Designations	71
The Sandra Bland Act	73
Parker Police Department Racial Profiling Policy	88
Additional Data	98





Responding to the Law





Public Education and Filing Compliments and Complaints



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

The Texas Racial Profiling Law requires that police agencies provide information to the public regarding the way to file a compliment or racial profiling complaint. To comply with this particular component, the Parker 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 Parker 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 current policies and the complaint processes relevant to racial profiling.

All Parker 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 Parker Police Department have completed the TCOLE basic training on racial profiling. The main outline used to train the officers of Parker has been included in this report.

It is important to recognize that the Chief of the Parker 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 Parker Police Department fulfills the training requirement as specified in the Education Code (96.641) of the Texas Racial Profiling Law.



Racial Profiling Course

Number 3256



Racial Profiling



COURSE # 3256
APRIL 2021

ABSTRACT

This instructor resource guide (IRG) is designed to provide the instructor with the learning objectives and teaching steps needed to construct a complete and effective lesson plan. By itself the IRG is not a lesson plan but is a guide for the instructor to build on and may be used as a student handout as well.

This IRG is designed to meet the educational requirement for racial profiling established by legislative mandate: 77R-SB1074. In 2001, the 77th Texas Legislature passed S.B. 1074 in an attempt to address racial profiling by law enforcement officers. On June 19, 2009, during the 81st Regular Session, House Bill 3389 was signed by the Governor of Texas and became effective on September 1, 2009. HB 3389 changed the racial profiling data collection and reporting requirements for Texas law enforcement agencies. Among other changes, HB 3389 required law enforcement agencies to: (1) alter their data collection procedures and methods beginning in 2010, and (2) report such data electronically to the Texas Commission on Law Enforcement (TCOLE) using a mandatory format defined by the department's Tier classification. In the 85th Texas Legislature, HB 2702 made further changes to the racial profiling data collection requirements and reporting. During the 85th legislative session in 2017, Senate Bill 1849 (the Sandra Bland Act) was signed into law. This act strengthened Texas' racial profiling law and ensured the Texas collections' robust, clear, and accurate. All of these bills are consolidated in statute in the Texas Code of Criminal Procedure Articles 2.131 through 2.138.

Note to Trainers: It is the responsibility of the training coordinator to ensure this curriculum and its materials are kept up to date. Refer to curriculum and legal resources for changes in subject matter or laws relating to this topic as well as the Texas Commission on Law Enforcement website at www.tcole.texas.gov for edits due to course review.

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.

Target Population: Licensed law enforcement personnel in Texas.

Student Prerequisites:

- None

Instructor Prerequisites:

- Certified TCOLE Instructor and documented knowledge/training in course subject matter OR
- Documented subject matter expert

Length of Course: 4 hours minimum

Equipment:

- None

Training Delivery Method(s):

- Online
- Instructor-led, classroom-based
- Instructor-led, virtual classroom

Method(s) of Instruction:

- Lecture
- Discussion
- Demonstration
- Practical exercise
- Scenarios

Facility Requirements:

- Standard classroom

Assessment: Assessment is required for completion of this course to ensure the student has a thorough comprehension of all learning objectives. Training providers are responsible for assessing and documenting student mastery of all objectives in this course.

In addition, the Commission highly recommends a variety of testing/assessment opportunities throughout the course which could include: oral or written testing, interaction with instructor and students, case study and scenario, and other means of testing student's application of the skills taught as the instructor or department deems appropriate.

Unless otherwise indicated, the minimum passing score shall be 70%.

Reference Materials:

- 77 Legislation (2001) SB 1074
- 81 Legislation (2009) HB 3389.
- 85 Legislation (2017) SB 1849
- Proactive Field Stops Training Unit – Instructor's Guide, Maryland Police and Correctional Training Commissions, 2001.
- TCOLE New Racial Profiling Format. Accessed April 2021. <<https://www.tcole.texas.gov/sites/default/files/documents/Full%20Reporting.pdf>>
- TCOLE Racial Profiling Report Procedures. Accessed April 2021. <<https://www.tcole.texas.gov/content/racial-profiling-reports>>
- Texas Code of Criminal Procedure
- Texas District & County Attorneys Association, Getting Evidence from Cars, 2018. Accessed August 2020. <<https://www.tdcaa.com/journal/getting-evidence-from-cars/>>
- Texas District & County Attorneys Association, V. Basis for Vehicle Stop-Legal Standard. Accessed August 2020. <<https://www.tdcaa.com/resources/dwi/jessica-fraziers-dwi-case-law/v-basis-for-vehicle-stop-legal-standard/>>
- Texas Transportation Code
- **Texas Chiefs of Police Association (TCPA), Texas Law Enforcement Agency Best Practices Program Standards Manual.** <https://www.texaspolicechiefs.org/getting-started-with-recognition>

Racial Profiling

UNIT 1 Racial Profiling and The Law

- 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.
- 1.2 **Learning Objective:** The student will be able to write the adopted department policy on racial profiling.
- 1.3 **Learning Objective:** The student will be able to explain Supreme Court decisions and other court decisions regarding traffic stops and prohibited racial profiling.

UNIT 2 Racial Profiling and The Community

- 2.1 **Learning Objective:** The student will be able to explain the legal, ethical, and moral responsibilities against racial profiling.
- 2.2 **Learning Objective:** The student will be able to identify logical and social arguments against racial profiling.

UNIT 3 Racial Profiling Versus Reasonable Suspicion

- 3.1 **Learning Objective:** The student will be able to identify elements of typical racially motivated traffic stops.
- 3.2 **Learning Objective:** The student will be able to list the elements of legal contact with drivers and occupants of vehicles.
- 3.3 **Learning Objective:** The student will be able to describe the various basis for vehicle stops based on the legal standard.
- 3.4 **Learning Objective:** The student will be able to list the valid searches and seizures without warrants.

Racial Profiling

UNIT 1. Racial Profiling and The Law

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

INSTRUCTOR NOTE: Refer to Racial Profiling Requirements at Appendix A: Law Requirements.

Code of Criminal Procedure	
Art. 3.05	Racial Profiling.
Art. 2.131	Racial Profiling Prohibited.
Art. 2.132	Law Enforcement Policy on Racial Profiling.
Art. 2.133	Reports Required for Motor Vehicle Stops.
Art. 2.134	Compilation and Analysis of Information Collected.
Art. 2.136	Liability.
Art. 2.137	Provision of Funding or Equipment.
Art. 2.138	Rules.
Art. 2.1385	Civil Penalty.
Education Code	
Sec. 96.641 (a) (k)	Initial Training and Continuing Education for Police Chiefs and Command Staff.
Occupations Code	
Sec. 1701.253 (c) (h)	School Curriculum.
Sec. 1701.402 (e)	Proficiency Certificates.
Transportation Code	
Sec. 543.202 (a)	Form of Record.

The student will be able to write the adopted department policy on racial profiling.

- 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. Officer non-liability

I. Funding

J. Training in racial profiling

1. Police chiefs
2. All holders of intermediate certificate

INSTRUCTOR NOTE: Share, review, and discuss the following information with the students.

- Appendix B: Sample General Order (Texas Police Chiefs Association Best Practices)
- Appendix C: New [Racial Profiling Report Sample](#)
 - [Racial Profiling Report—Full report](#)

Note: Please have students review the format and if their agency is currently capturing the new data points, please review their 2019 Racial Profiling Report. This new data is required to be collected for all traffic stops beginning January 1, 2021, and will be required for all future Racial Profiling reports. The new report can be found in their agency's TCLEDDs account.

- Review Appendix D: 2019 Racial Profiling Report sample
 - TCOLE Racial Profiling Report Sample (2019)

The student will be able to explain Supreme Court decisions and other court decisions regarding traffic stops and prohibited racial profiling.

A. Supreme court cases

- Whren v. United States, 517 U.S. 806, 116 S. Ct. 1769 (1996)
- Terry v. Ohio, 392 U.S. 1, 88 S. Ct. 1868 (1968)

B. Other cases

- Pennsylvania v. Mimms, 434 U.S. 106, 98 S. Ct. 330 (1977)
- Maryland v. Wilson, 519 U.S. 408, 117 S. Ct. 882 (1997)
- Graham v. State, 119 Md. App 444, 705 A.2d 82 (1998)
- Pryor v. State, 122 Md. App. 671 (1997), cert. denied 352 Md. 312, 721 A.2d 990 (1998) (other citations omitted)
- Ferris v. State, 355 Md. 356, 735 A.2d 491 (1999)
- New York v. Belton, 453 U.S. 454 (1981)

C. Recent cases

- Brendlin v. California, 551 U.S. 249, 127 S. Ct. 2400 (2007)
- Virginia v. Moore, 553 U.S. 164, 128 S. Ct. 1598 (2008)
- Arizona v. Johnson, 555 U.S. 323, 129 S. Ct. 781 (2009)

INSTRUCTOR NOTE: Review select court decisions on traffic stops (Review rule, read facts, discuss issue, and Interpret conclusion.) You can find resource on LexisNexis.

UNIT 2. Racial Profiling and The Community

2.1 The student will be able to explain the legal, ethical, and moral responsibilities against racial profiling.

- A. Declaration of Independence
- B. Fourth Amendment
- C. U.S. Constitution Preamble
- D. Pledge of Allegiance
- E. Texas Constitution (Article 1. Bill of Rights, Section 9. Search and Seizure)
- F. Holy Bible

2.2 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 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 believe 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.

Racial profiling is wrong and will not be tolerated: Racial profiling sends the dehumanizing message to our citizens that they are judged by the color of their skin and harms the criminal justice system by eviscerating the trust necessary for law enforcement to effectively protect our communities.

Police cannot ascribe certain behavior traits to a person or a group merely on the basis of their race or ethnic background. If police action is taken, it must be because the person in question has violated a law, not because he or she is of a particular race, ethnicity, or gender. Police can only intervene on the basis of what people do, not on what they look like.

SCENARIO: A police officer parked on the side of a highway notices that nearly all vehicles are exceeding the posted speed limit. The officer's attention is immediately drawn to an older SUV travelling slower than the other vehicles on the highway yet at the posted speed limit. Contained within this SUV are 4 young bearded Middle Eastern men each wearing a "Keffiyeh" (Arabic headdress). The

officer initiates a traffic stop based on only a “feeling” as a pretext to further investigate. Would this situation be considered, “racial profiling?”

INSTRUCTOR NOTE: Student must articulate that in connection with an initiative to prevent terrorist activity, law enforcement authorities may not target members of any particular race or religion as suspects based on a generalized assumption that members of that race or religion are more likely than non-members to be involved in such activity.

INSTRUCTOR NOTE: Display one (or both) of the following TEDx Talks videos on YouTube as applicable.

- How Racial Profiling Hurts Everyone, Including the Police (10:37) https://www.youtube.com/watch?v=LCX_Th-IjE
- Policing the Bridge (8:32) <https://www.youtube.com/watch?v=lz7fva4OQzo>

UNIT 3. Racial Profiling Versus Reasonable Suspicion

3.1 The student will be able to identify elements of typical racially-motivated traffic stops.

A. Definition

Racial Profiling: a law enforcement-initiated action based solely on an individual’s race, ethnicity, and/or national origin, rather than on the individual’s behavior and/or information tending to identify the individual as having engaged in criminal activity.

B. Examples of racial profiling include, but are not limited to, the following:

1. Citing a driver who is speeding in a stream of traffic where most other drivers are speeding, solely because of the cited driver’s race, ethnicity, or national origin.
2. Stopping or detaining the driver of a vehicle solely based on the determination that a person of that race, ethnicity, or national origin is unlikely to own or possess that specific make or model of vehicle.
3. Stopping or detaining a person solely based on the determination that a person of that race, ethnicity, or national origin does not belong in a specific geographic area or a specific place.

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.)

3.2 The student will be able to list the elements of legal contact with drivers and occupants of vehicles.

A. Voluntary encounter: no suspicion

B. Temporary detention “Terry Stop”: **Reasonable suspicion required**

1. Theories for stop

- a. Traffic Violations
- b. “Pretext” Stops
- c. Community Caretaking
- d. Citizen Calls
- e. Roadblocks/checkpoints

2. Temporary detention options

- a. Detain individual for a reasonable period of time to satisfactorily account for his activity
- b. Interview (No “Miranda Warning” is required)
- c. Make reasonable investigative inquiries, i.e., request identity, reason for being in area, explanation of suspicious conduct
- d. Seek consent for pat down or search
- e. Transport detainee to possible crime scene

C. Arrest: Probable cause required

Reasonable Suspicion ≠ Probable Cause

1. Reasonable Suspicion

- a. An officer can briefly detain an individual or make a traffic stop if there is reasonable suspicion a person committed a crime, is currently committing a crime, or plans to engage in criminal activity—based on certain facts or circumstances. Having a gut feeling or a hunch does not qualify as reasonable suspicion.

- b. There must be reasonable suspicion in any type of criminal case, including traffic offenses and driving while intoxicated (DWI). Examples of actions that may establish reasonable suspicion to stop someone for DWI who is driving include:
 - 1. weaving,
 - 2. frequent braking,
 - 3. drifting between lanes,
 - 4. driving without headlights at night
 - 5. following too closely (tailgating)
 - 6. slow response to traffic or officer's signals

2. Probable Cause

- a. An officer can make an arrest or conduct a search or seizure if probable cause is established. To prove probable cause, law enforcement must demonstrate there are facts or evidence that would lead a reasonable person to believe that a crime has been committed, is being committed, or will be committed in the future.
- b. Making an illegal turn, having a taillight out and expired registration are probable cause reasons for a vehicle stop against the transportation code.

A higher standard is required to establish probable cause than reasonable suspicion. It cannot be shown based on an officer's suspicions or guesses. It must be based on facts and hard evidence. In some cases, sufficient probable cause can develop after the police detain someone based on reasonable suspicion.

There are many ways that the police can establish probable cause to arrest an individual. Examples include smelling alcohol or drugs on them, seeing evidence, such as a gun, drugs, or stolen property, in plain view, or an admission of guilt.

3.3 The student will be able to describe the various basis for vehicle stops based on the legal standard.

A. Officer's Mistake of Fact/Law Will Not Make Stop Illegal

State v. Varley, No. 02-15-00076-CR, 2016 WL 4540491 (Tex. App. Fort Worth 2016)

Officer's mistaken belief that defendant violated statute by driving with only one functioning brake light was reasonable. Because the mistake of law was "reasonable" it provided sufficient reasonable suspicion to justify the traffic stop.

B. Information from Citizen/Police Radio/Anonymous Call

Chrisman v. State, No. 06-16-00179-CR, 2017 Tex. App. LEXIS 2785, 2017 WL 2118968 (Tex. App. Texarkana 2017)

This stop was based solely on a 9-1-1 call from a bartender who stated an intoxicated person had just driven away from the bar after being denied service and who refused to take a cab. The defendant argued the stop was improper based on a conclusory statement made by the bartender. The court properly denied the defendant's motion to suppress even if the statement from the bartender was conclusory it was sufficiently corroborated by other details. For example, when the bartender called 9-1-1, he gave his name, phone number and identified himself as the bartender at the establishment. The court found him to be reliable. Furthermore, the court found the information provided to the dispatcher by the bartender to be sufficiently corroborated by additional details from which the dispatcher could have surmised from the bartender.

C. Bad Driving/Conduct Need Not Equal Criminal Offense

Derichsweiler v. State, 348 S.W.3d 906 (Tex. Crim. App. 2011), S. Ct. cert. denied, Oct. 3, 2011.

The defendant was reported to be stopping next to vehicles in parking lots and staring at the occupants of those vehicles. That conduct resulted in a 9-1-1 call which ended with the detention and arrest of the defendant. The issue: was the defendant's non-criminal behavior enough to justify an investigative stop without reasonable suspicion of a particular offense? The Court said yes, pointing out there is no requirement to point to a particular offense, but rather reasonable suspicion he was about to engage in criminal activity.

D. "Community Care-Taking Function" (CCF)

Wright v. State, 7 S.W.3d 148 (Tex. Crim. App. 1999) ref'd on remand, 18 S.W.3d 245 (Tex. App. Austin 2000, pet. ref'd).

The case came to the Court of Criminal Appeals when the Austin Court of Appeals failed to apply the "community care-taking function" in holding the stop in this case to be unreasonable. The basis for the stop was the officer observed a passenger in the vehicle vomiting out of a car window. The Court of Appeals did not believe that concept covered a passenger's actions. The Court of Criminal Appeals held the exception could apply to these facts and listed four factors that are relevant in determining when community care-taking provides a sufficient basis for a traffic stop.

1. the nature and level of distress exhibited by the individual
2. the location of the individual
3. whether the individual was alone and/or had access to assistance independent of that offered by the officer; and
4. to what extent the individual—if not assisted—presented a danger to himself or others.

The court added that, “as part of his duty to ‘serve and protect’ a police officer may stop and assist an individual whom a reasonable person—given the totality of the circumstances—would believe is in need of help.” The case was remanded back to the Court of Appeals which in 18 S.W.3d 245 (Tex. App. Austin 2000) applied the above mentioned factors and found the stop to be unreasonable. (INSTRUCTOR NOTE: Open this case and review with students the court’s reasoning behind finding the stop unreasonable.) <https://caselaw.findlaw.com/tx-court-of-appeals/1495874.html>

E. Officer’s Arrest Authority When Outside Jurisdiction

For A Traffic Offense:

1. Stops made before 9-01-05 = NO

State v. Kurtz, 152 S.W.3d 72 (Tex. Crim. App. 2004) An officer of a municipal police department does not have authority to stop a person for committing a traffic offense when the officer is in another city within the same county.

2. Stops made after 9-01-05 = YES

CCP Article 14.03 (g) (1). Authorizes a municipal police officer to make a warrantless arrest for a traffic offense that occurs anywhere in the county or counties in which the officer’s municipality is located.

Note: This legislative change effectively overrules the Kurtz case listed above.

F. Operating Vehicle in Unsafe Condition

State v. Kloecker, 939 S.W.2d 209 (Tex. App. Houston [1st Dist.] 1997, no pet.)

Trial judge held there was insufficient basis for the stop. Court of Appeals reversed holding the officer observed the defendant was driving on a tireless metal wheel and knew this constituted the traffic offense of driving a vehicle on a highway in an unsafe condition.

G. Rapid Acceleration/Spinning Tires

1. YES. Fernandez v. State, 306 S.W.3d 354 (Tex. App. Fort Worth 2010, no pet.)

Officer heard defendant’s pickup loudly squeal its tires and saw light smoke coming from the tires as the pickup fishtailed about two feet outside its lane of traffic supporting officer’s opinion that what he observed constituted reckless driving and supported the stop. This was so although there were no vehicles directly around defendant’s vehicle though there was testimony there were other vehicles in the area.

2. NO. State v. Guzman, 240 S.W.3d 362 (Tex. App. Austin 2007, pet. ref’d).

The spinning motion of one tire of defendant’s truck as truck began to move from a stop after a traffic light turned green did not alone give police officer reasonable suspicion the defendant was unlawfully exhibiting acceleration in violation of statute pertaining to

racing on highways, and thus officer's stop of defendant's vehicle on that basis was unlawful.

H. Approaching A Vehicle That is Already Stopped

Murray v. State, No. 07-13-00356-CR, 2015 WL 6937922 (Tex. App. Amarillo 2015)

At 1:00 a.m. officer saw Defendant's vehicle parked parallel to road, partially on improved road and partially in driveway next to closed fireworks stand which had been the location of a previous burglary. Officer parked behind vehicle and walked up to closed car window and knocked and yelled to get Defendant to wake up. Officer finally got defendant to awake and encounter led to arrest for DWI. In response to defense argument that this was an illegal stop, Court held this was a voluntary encounter. Even though officer testified the Defendant was not going to be allowed to leave once he approached the car this subjective intent regarding whether he could leave is only relevant when it is in some way communicated to the citizen, which was lacking in this case.

INSTRUCTOR NOTE: Resource: TDCAA Basis for Vehicle Stop-Legal Standard

<https://www.tdcaa.com/resources/dwi/jessica-fraziers-dwi-case-law/v-basis-for-vehicle-stop-legal-standard/>

SCENARIO: A homeowner in an exclusive small suburban neighborhood noticed a late model maroon Range Rover with an out of state vehicle registration. The vehicle was occupied by two Black males in their early 20's. The homeowner reported this Range Rover as suspicious activity to the local law enforcement agency. This neighborhood is predominately an established one and most of the neighbors know each other.

Fear of crime had created a deliberate neighborhood cooperative effort for assertive and proactive crime prevention with the local department. Residents had been encouraged to report even minor suspicious activity to law enforcement.

A nearby officer/deputy responded to this "suspicious" vehicle call and quickly encountered the maroon Range Rover. The officer/deputy did not observe any traffic or other law violations. Should the officer/deputy activate his overhead lights, detain, and identify the vehicle's occupants to ease neighborhood concerns?

INSTRUCTOR NOTE: Discuss the below topics of interest:

- Student must be able to ascertain if a civilian's report of suspicious activity creates a reason to detain and identify the Range Rover's occupants? (Not necessarily. The deputy should consider the totality of all objectively reasonable observations. A civilian's suspicion should not be ignored but neither is it a free reason to stop without just legal cause.)
- Student should be able to articulate if there was probable cause for a detention? (No. In this case, no law was broken and unless the deputy sees articulable reasonable suspicions one cannot detain. See CCP [14.03](#).)

- Student should be able to answer does a traffic stop equate to a consensual and voluntary encounter? (In most cases, once overhead emergency lights and equipment are activated it's not a voluntary nor consensual.)
- Student should be able to answer what could the responding officer/deputy do to ensure the requirements of a safe neighborhood and still safeguard the 4th amendment? (The responding officer/deputy could check the vehicle's registration, video & photograph the vehicle, registration, and possibly occupants; the officer/deputy could maintain a high visibility patrol methodology and even make contact with the reporter to encourage successful, legal and continued crime suppression partnerships.)
- Although the maroon Range Rover is suspicious in its appearance, it's not at the standard of CCP 14.03's "reasonable suspicion."

3.4 The student will be able to list the valid searches and seizures without warrants.

- A. Search Incident to Arrest
- B. Consent Searches
- C. Border Searches
- D. Open Fields
- E. Plain View and Plain Feel
- F. Exigent Circumstances
- G. Inventory Searches
- H. Automobile Exception

INSTRUCTOR NOTE: Review with students the information provided by the Legal Information Institute <https://www.law.cornell.edu/constitution-conan/amendment-4/valid-searches-and-seizures-without-warrants>

Copied from TCOLE website on 01/10/2022



Reports 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 1/1/2021 - 12/31/2021, 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 Parker Police Department has not received any complaints, on any members of its police force, for having violated the Texas Racial Profiling Law during the time period of 1/1/2021 - 12/31/2021.

Complaints Filed for Possible Violations of The Texas Racial Profiling Law

Complaint Number	Alleged Violation	Disposition of the Case

Additional Comments:



Tier 2 Data (Includes Tables)



TIER2 DATA

TOTAL STOPS: 2,001

STREET ADDRESS OR APPROXIMATE LOCATION OF STOP.

City Street	1,995
US Highway	1
County Road	0
State Highway	4
Private Property	1

WAS RACE OR ETHNICITY KNOWN PRIORTO STOP?

Yes	5
No	1,996

RACE OR ETHNICITY

Alaska Native/American Indian	2
Asian/Pacific Islander	439
Black	273
White	893
Hispanic/Latino	394

GENDER

Female Total: 755

Alaska Native/American Indian	0
Asian/Pacific Islander	155
Black	107
White	369
Hispanic/Latino	124

Male Total: 1,246

Alaska Native/American Indian	2
Asian/Pacific Islander	284
Black	166
White	524
Hispanic/Latino	270

REASON FOR STOP?

Violation of Law Total: 12

Alaska Native/American Indian	0
Asian/Pacific Islander	7
Black	0
White	3
Hispanic/Latino	2

Pre-existing Knowledge Total: 3

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

Moving Traffic Violation Total: 1,790

Alaska Native/American Indian	2
Asian/Pacific Islander	398
Black	251
White	815
Hispanic/Latino	324

Vehicle Traffic Violation Total: 196

Alaska Native/American Indian	0
Asian/Pacific Islander	34
Black	22
White	72
Hispanic/Latino	68

Contraband (in plain view) Total: 1

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

Was Search Conducted? Yes No

Alaska Native/American Indian	0	2
Asian/Pacific Islander	2	437
Black	3	271
White	5	888
Hispanic/Latino	4	390
TOTAL	14	1,987

Reason for Search?**Consent Total: 3**

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

Probable Cause Total: 8

Alaska Native/American Indian	0
Asian/Pacific Islander	1
Black	2
White	3
Hispanic/Latino	2

Inventory Search Total: 0

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

Incident to arrest Total: 2

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

Was Contraband Discovered? Yes No

Alaska Native/American Indian	0	0
Asian/Pacific Islander	1	1
Black	1	2
White	4	1
Hispanic/Latino	2	2
TOTAL	8	6

Did the finding result in arrest (total should equal previous Yes column)? Yes No

Alaska Native/American Indian	0	0
Asian/Pacific Islander	0	1
Black	0	1
White	1	3
Hispanic/Latino	0	2
TOTAL	1	7

Description of Contraband

Drugs Total: 6

Alaska Native/American Indian	0
Asian/Pacific Islander	1
Black	1
White	4
Hispanic/Latino	0

Weapons Total: 0

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

Currency Total: 0

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

Alcohol Total: 2

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

Stolen Property Total: 0

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

Citation Total: 897

Alaska Native/American Indian	2
Asian/Pacific Islander	198
Black	101
White	358
Hispanic/Latino	238

Other Total: 0

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

Result of Stop**Verbal Warning Total: 33**

Alaska Native/American Indian	0
Asian/Pacific Islander	7
Black	7
White	17
Hispanic/Latino	2

Written Warning Total: 1,063

Alaska Native/American Indian	0
Asian/Pacific Islander	232
Black	162
White	517
Hispanic/Latino	152

Written Warning and Arrest Total: 0

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

Citation and Arrest Total: 1

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

Arrest Total: 7

Alaska Native/American Indian	0
Asian/Pacific Islander	2
Black	3
White	1
Hispanic/Latino	1

Arrest Based On**Violation of Penal Code Total: 3**

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

Violation of Traffic Law Total: 2

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	2
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: 3

Alaska Native/American Indian	0
Asian/Pacific Islander	1
Black	0
White	0
Hispanic/Latino	2

Was Physical Force Resulting In Injury Used During Stop**Yes Total: 0**

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

No Total: 2,001

Alaska Native/American Indian	2
Asian/Pacific Islander	439
Black	273
White	893
Hispanic/Latino	394

Number of Complaints of Racial Profiling

Total	0
Resulted in disciplinary action	0
Did not result in disciplinary action	0

Table 1. Motor Vehicle Contacts Including Tickets, Citations and Warnings. (1/1/2021 - 12/31/2021)

Race/Ethnicity	All Motor Vehicle Contacts		Tickets or Citations*		Verbal Warnings		Written Warnings	
	N	%	N	%	N	%	N	%
Alaska Native or American Indian	2	0.10%	2	0.22%	0	0.00%	0	0.00%
Asia or Pacific Islander	139	21.94%	198	22.07%	7	21.21%	232	21.83%
Black	273	13.64%	101	11.26%	7	21.21%	162	15.24%
White	893	44.63%	358	39.91%	17	51.52%	517	48.64%
Hispanic or Latino	394	19.69%	238	26.53%	2	6.06%	152	14.30%
TOTAL	2,001	100%	897	100%	33	100%	1,063	100%

*Includes stops for alleged violation of a law or ordinance, tickets/citations, and verbal and written warnings

"N" represents "number" of all motor vehicle-related contacts

**Race/Ethnicity is defined by HB 3051.

Table 2. Motor Vehicle Contacts and Fair Roads Standard Comparison

Comparison of motor vehicle-related contacts with households that have vehicle access. (1/1/2021 -12/31/2021)

Race/Ethnicity**	Contacts	Households With Vehicle Access (In Percentages)
Alaska Native or American Indian	0.10%	0.00%
Asia or Pacific Islander	21.94%	5.00%
Black	13.64%	14.00%
White	44.63%	60.00%
Hispanic or Latino	19.69%	19.00%
TOTAL	100%	98.00%

*Includes stops for alleged violation of a law or ordinance, tickets/citations, and verbal and written warnings

"N" represents "number" of all motor vehicle-related contacts

**Race/Ethnicity is defined by HB 3051.

Table 3. Motor Vehicle Searches and Arrests. (1/1/2021 - 12/31/2021)

Race/Ethnicity**	Searches		Consensual Searches		Custody Arrests	
	N	%	N	%	N	%
Alaska Native or American Indian	0	0.00%	0	0.00%	0	0.00%
Asia or Pacific Islander	2	14.29%	1	33.33%	2	28.57%
Black	3	21.43%	0	0%	3	42.86%
White	5	35.71%	1	33.33%	1	14.29%
Hispanic or Latino	4	28.57%	1	33.33%	1	14.29%
TOTAL	14	100%	6	100%	7	100%

*Includes stops for alleged violation of a law or ordinance, tickets/citations, and verbal and written warnings

"N" represents "number" of all motor vehicle-related contacts

**Race/Ethnicity is defined by HB 3051.

Table 4. Instances Where Peace Offices Used Physical Force that Resulted in Bodily Injury (1/1/2021 - 12/31/2021)

Instances Where Peace Officers Used Physical Force that Resulted in Bodily Injury	Location of Stop	Reason for Stop
None		

Table 5. Search Data (1/1/2021 - 12/31/2021)

Race/Ethnicity**	Searches		Contraband/ Evidence Found		Contraband/ Evidence Not Found		Arrests	
	N	%	N	%	N	%	N	%
Alaska Native or American Indian	0	0%	0	0.00%	0	0.00%	0	0.00%
Asian or Pacific Islander	2	14.29%	1	12.50%	1	16.67%	2	28.57%
Black	3	21.43%	1	12.50%	2	33.33%	3	42.86%
White	5	35.71%	4	50.00%	1	16.67%	1	14.29%
Hispanic or Latino	4	28.57%	2	25.00%	1	33.33%	1	14.29%
TOTAL	14	100%	7	100%	6	100%	7	100%

*Includes stops for alleged violation of a law or ordinance, tickets/citations, and verbal and written warnings

"N" represents "number" of all motor vehicle-related contacts

**Race/Ethnicity is defined by HB 3051.

Table 6. Report on Audits.

The following table contains data regarding the number and outcome of required data audits during the period of 1/1/2021 - 12/31/2021.

Data Audits on Racial Profiling Data

Number of Data Audits Completed	Date of Completion	Outcome of Audit
1	March 2021	Data reviewed is valid and reliable.
1	June 2021	Data reviewed is valid and reliable.
1	October 2021	Data reviewed is valid and reliable.
1	January 2022	Data reviewed is valid and reliable.

Additional Comments:

**Table 7. Instances Where Use of Force Was Used Which Caused Bodily Injury During a Motor Vehicle Contact.
(1/1/2021 - 12/31/2021)**

Race/Ethnicity**	Use of Force Causing Bodily Injury	
	N	%
Alaska Native or American Indian	0	0.00%
Asia or Pacific Islander	0	0.00%
Black	0	0.00%
White	0	0.00%
Hispanic or Latino	0	0.00%
TOTAL	0	0.00%

*Includes stops for alleged violation of a law or ordinance, tickets/citations, and verbal and written warnings

"N" represents "number" of all motor vehicle-related contacts

**Race/Ethnicity is defined by HB 3051.

**Table 8. Reason for Arrests Resulting from a Motor Vehicle Contact.
(1/1/2021 - 12/31/2021)**

Race/Ethnicity**	All Motor Vehicle Contacts		Violation of Penal Code*		Violation of Traffic Law		Outstanding Warrant	
	N	%	N	%	N	%	N	%
Alaska Native or American Indian	0	0.00%	0	0.00%	0	0.00%	0	0.00%
Asia or Pacific Islander	2	25.00%	1	33.33%	0	0.00%	1	33.33%
Black	3	37.50%	1	33.33%	2	100.00%	0	0.00%
White	1	12.50%	1	33.33%	0	0.00%	0	0.00%
Hispanic or Latino	2	25.00%	0	0.00%	0	0.00%	2	66.67%
TOTAL	8	100%	3	100%	2	100%	3	0%

*Includes stops for alleged violation of a law or ordinance, tickets/citations, and verbal and written warnings

"N" represents "number" of all motor vehicle-related contacts

**Race/Ethnicity is defined by HB 3051.



Analysis, Interpretation of Data and Comparative Analysis



Analysis, Interpretation of Data and Comparative Analysis

Background

In 2001, the Texas legislature passed Senate Bill 1074 which became the Texas Racial Profiling Law. This 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 1st of each year. In 2009, the racial profiling law was modified to include the collection and reporting of all motor vehicle related contacts where a citation was issued, or arrest made. In addition, the modification to the law further requires that all police officers indicate whether they knew the race or ethnicity of individuals before detaining them. Further, it was required that agencies report motor vehicle related data to their local governing authority and to the Texas Commission on Law Enforcement (TCOLE) by March 1st of each year. The purpose in collecting and disclosing this information is to determine if police officers in a particular municipality are engaging in the practice of racially profiling minority motorists.

The Texas Racial Profiling Law also requires police departments to interpret motor vehicle-related data. Even though most researchers would probably agree with the fact 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 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 referenced earlier, in 2009, the Texas Legislature passed House Bill 3389, which modified the Racial Profiling Law by adding new requirements; this took effect on January 1st, 2010. These changes included, but were not limited to, the re-definition of a contact to include motor vehicles where a citation was issued, or an arrest made. In addition, it required police officers to indicate if they knew the race or ethnicity of the individual before detaining them. Also, the 2009 law required adding "middle eastern" to the racial and ethnic category and submitting the annual data report to TCOLE before March 1st of each year.

In 2017, the Texas Legislators passed H.B. 3051 which removed the Middle Eastern data requirement while standardizing the racial and ethnic categories relevant to the individuals that met the police. In addition, the Sandra Bland Act (S.B. 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.

Analysis and Interpretation of Data

In 2021 the Parker Police Department contacted 2001 vehicles that required Tier 2 reporting in the Texas Racial Profiling/Sandra Bland Law. In 99.75% of these stops, the officer did not know the race of the violator prior to the stop. Additionally, of these 2001 stops only 14 or 0.70% resulted in a search of the violator's vehicle. Of these searches, Whites were 35.71%, Hispanic/Latino were 35.71%, Blacks were 21.43% and Asian/Pacific Islander were 14.29%. This data indicates that Parker Police Officers are following Department policy and the Texas Racial Profiling/Sandra Bland Act Law.

It should be noted that the following data analysis was performed based on a comparison of 2020 motor vehicle contact data with a specific baseline. When reviewing this 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 Parker Police Department opted to adopt, as a baseline measure, the Fair Roads Standard. This baseline is based upon data obtained through U.S. Census Bureau (2010) relevant to the number of households that have access to vehicles while controlling for race and ethnicity of the heads of households. It is anticipated that next year, when the 2020 Census findings are available, this information will be updated, accordingly.

There is no question that 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 of the fact they may or may not be 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 had an encounter with the Parker Police Department in 2021 but live outside the city limits. In some cases, the percentage of the population that encounters the police but live outside the city limits represents a substantial volume of all motor vehicle-related contacts made each year. The City of Parker estimated population is 5,177 (QuickFacts Dec-17-2021) and during a one-week period (12/21/2021 – 12/27/2021) 88,053 vehicles were analyzed in the 4700 block of East Parker Road by the Department's speed measuring data collection device, thus confirming the assertion that selecting a baseline that more closely reflects our driving population is appropriate. Additionally. Of the 2001 vehicle stops reported in 2021 94% of those contacted were non-residents of the City of Parker.

Since 2002, several civil rights groups in Texas expressed their desire 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 date 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). This, in essence, constitutes a comparison that may result in ecological fallacy. Despite this, the Parker Police Department accepted the recommendation to utilize this form of comparison (i.e., census data relevant to households with vehicles), 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. In the table below, I have included the comparison to the Fair Roads Standard, and I also included Parker’s demographics as well as Collin County’s demographics to show the complete percentages of the 2001 vehicle stops for comparison purposes.

	Stops by Race 2021	Fair Roads Standard - DFW	Collin County (QuickFacts)	City of Parker (QuickFacts)
Alaskan/Native American/Indian	0.1%	0%	0.7%	0.00%
Asian/Pacific Islander	21.94%	5%	16.3%	15.8%
Black	13.64%	14%	10.9%	4.2%
White	44.63%	60%	55.1%	54.9%
Hispanic/Latino	19.69%	19%	15.5%	23.2%

Tier 2 2021 Motor Vehicle-Related Contact Analysis and Comparative Analysis

When analyzing the enhanced and more detailed Tier 2 data collected in 2021, it was evident that most motor vehicle-related contacts were made with Whites (44.63%), followed by Asian/Pacific Islander (21.9%), then Hispanic/Latino (19.69%), then Blacks (13.64%) and Alaskan/Native American/Indian (0.10%). There is a significant disparity in Asian number compared to the Fair Roads Standard percentage (5%) but the Asian percentage is more in line with the Collin County population percentage (16.3%) and the City of Parker percentage of (15.8%).

The dispositions or results of these stops remain consistent across the racial make-up of the contacts and less than 1% of all contacts resulted in arrests. Hispanic/Latino received a higher percentage of citations rather than a written warning. Less than one percent (0.70%) of all stops resulted in a search. A total of 14 searches makes it difficult to determine pattern but the percentage of each category of race remains somewhat consistent with the overall makeup of the race in total stops by the Parker Police Department.

Audits

The most recent Texas racial Profiling Law required that police department perform data audits to validate the data being reported. Consistent with this requirement, the Parker Police Department engaged del Carmen Consulting, LLC to perform these audits from January 1, 2021, until September 30, 2021, when their services were cancelled. I have performed the final quarterly audit of 2021. As shown in Table 7, the audits performed

have shown that the data is valid and reliable. In 2022, I will be conducting monthly audits of the data to ensure the validity and reliability of the data is maintained.



Summary of Findings



Summary of Findings

The comprehensive analysis of the data included in this report demonstrates that the Parker Police Department has complied with the Texas Racial Profiling Law and all its requirements. Further, this report demonstrates that the Parker Police Department has incorporated a comprehensive racial profiling policy, currently offers information to the public on how to file a complement or complaint, commissions/permits quarterly audits to ensure validity and reliability, collects and performs the analysis of Tier 2 data, and ensures that the practice of racial profiling is not tolerated. I am very proud of the men and women of the Parker Police Department in their commitment to excellent customer service and embracing the tenets of the Racial Profiling Law.

As mentioned earlier in this report, The Parker Police Department was under contract with del Carmen Consulting LLC for racial profiling services. This agreement with del Carmen Consulting was ended on September 30, 2021. At that time, I assumed the role of Racial Profiling Law compliance. In my review of the Department's activities as it relates to racial profiling compliance, I found two (2) issues that should be noted.

1. Officers were incorrectly applying the designation of FM 2514 (Parker Road) and FM 2551 (Hogge/Dillehay Road). Traffic stops in these locations were categorized as "City Street" in 2020 and prior years. Traffic stops made on these roadways will be classified as "State Highway" beginning January 1, 2022. You will see a significant increase in the number of stops classified as occurring on State Highway in the 2022 report. This issue was caused by an interpretation of the definition of "State Highway" and that definition has been clarified using the TXDOT definition of a state highway. This will allow us to have a better understanding of the number of stops on these major roadways and those occurring on other City Streets.
2. Staff discovered that monthly video reviews of in-car and body camera footage of traffic stops have not occurred since April of 2021. These reviews are required according to the Parker Police Department Racial Profiling Policy. We had an organization change at that time and I failed to make this assignment to a staff member. We have since conducted the required reviews and are current as of the writing of this report. The reviews have been assigned and will be monitored monthly as a part of the monthly racial profiling audits I will be conducting in 2022.

I am proud to report that the Parker Police Department has not received a single complaint concerning the 2001 traffic contacts documented in this report. The men and women of the Parker Police Department are to be commended for their hard work and dedication to providing professional police service to all those who travel through the city.



Checklist



Checklist

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

- Implement a Racial Profiling Policy citing act or action that constitute racial profiling
- Include in the racial profiling policy, a statement indicating prohibition of any peace officer employed by the Parker Police Department from engaging in racial profiling.
- Implement a process by which an individual may file a complaint regarding racial profiling.
- Provide public education related to the complaint and complaint process.
- Implement disciplinary guidelines for officers found in violation of the Texas Racial Profiling Law.
- Collect, report and analyze motor vehicle Tier 2 data.
- Commission Data Audits and 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, 2022.
- Adopt a policy, if video/audio equipment is installed, on standards for reviewing video and audio documentation.



Legislative and Administrative Addendum





TCOLE Guidelines



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 and 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 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



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. COMPILED 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



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



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



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.

President of the 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



Parker Police Department

Racial Profiling Policy





Parker Police Department General Orders

Title: Racial Profiling

Number: 112.001

Effective Date: January 12, 2018

Review Date: 01/07/2021

City Attorney Review: Yes

TPCA Recognition Standards: 2.01

I. PURPOSE

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. Officer shall actively enforce local, state and federal laws in a responsible and professional manner without regard to race, ethnicity, gender, sexual orientation, religion 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. [\(TPCA Standard 2.01\)](#)
- B. This General Order is adopted in compliance with the requirements of Articles 2.131 through 2.136, Texas Code of Criminal Procedures, which prohibits Texas peace officers from engaging in racial profiling. [\(TPCA Standard 2.01\)](#)

III. DEFINITIONS

- A. **Racial Profiling** – a law enforcement-initiated action based on an individual's face, 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 White, Black, Hispanic or Latino, Asian or Pacific Islander, Alaskan Native or American Indian 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, culture 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.
- E. Motor Vehicle Contacts – includes stops for alleged violation of a law or ordinance, tickets/citations, and verbal and written warnings.

IV. PROHIBITION

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 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 General 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 General 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 General Order shall report the alleged violation in accordance with General Order 300, Discipline, Section XI, Investigation or 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

Any officer of this Department who is found, after investigation, to have engaged in racial profiling in violation of this General 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

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, public meetings, newsletters, email, phone or by mail. The Department will disclose to others the phone number, name of person and address where a complaint or complement can be filed.

VIII. COLLECTION OF INFORMATION AND ANNUAL REPORT OF MOTOR VEHICLE STOPS (TPCA Standard 2.01)

- A. For each motor vehicle stop and for each arrest resulting from a motor vehicle stop, an officer involved in the stop shall collect the following information:
 - 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. Information identifying the race or ethnicity of the individual detained will be documented using the following codes:
 - W – White
 - B – Black
 - H – Hispanic or Latino
 - A – Asian or Pacific Islander
 - I – Alaska Native or American Indian

2. Whether the officer knew the race or ethnicity of the individual detained before detaining that individual.
3. The initial reason for the stop.
 - a. Violation of the law.
 - b. Pre-existing knowledge (i.e. warrant)
 - c. Moving Traffic Violation.
 - d. Vehicle Traffic Enforcement (Equipment, Inspection or Registration).
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 verbally or by 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.
 - a. Illegal drugs/drug paraphernalia.
 - b. Currency
 - c. Weapons

- d. Alcohol
- e. Stolen Property
- f. Other

6. The reason for the search, including whether.

- a. Consent.
- b. Any contraband or other evidence was in plain view.
- c. Any probable cause of reasonable suspicion existed to perform the search.
- d. The search was performed as a result of an impound of the motor vehicle.
- e. Incident to arrest or arrest by warrant.

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 City ordinance or an outstanding warrant and a statement of the offense charged.

8. The street address or approximate location of the stop. Including type of roadway,

- a. City Street
- b. US Highway
- c. County Road
- d. Private Property or other.

9. Whether the officer issued a citation or a written or verbal warning as a result of the stop.

10. Whether the person contacted is a resident or non-resident of the City of Parker.

11. 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.

- a. The location of the stop.
- b. The reason for the stop.

B. The primary mechanism for collecting this data will be the ICS Records Management system. The modules of “Racial Profiling” (Citations and Written Warnings) and “Stop Data” (Verbal Warnings) shall be used. Should this method fail, all required data should be reported to the Commander of the Administrative Services Division using Racial Profiling form PPD-008.

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 of January 1 through December 31 of each year, 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. Gender.
- 3. Reason for the Stop.
- 4. Number of citations that resulted in a search.
- 5. Number of searches that were:
 - a. Consent,
 - b. Contraband,
 - c. Probable Cause,
 - d. Inventory,
 - e. Incident to Arrest.
- 6. Number of citations that resulted in custodial arrest.
- 7. Public education efforts concerning the racial profiling complaint process.
- 8. A comparative analysis of the information compiled (under Article 2.133):
 - a. Evaluate and compare the number of motor vehicle stops, with the City of Parker, 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 Parker Police Department, categorized according to race or ethnicity of the affected persons, as appropriate, including any searches resulting from stops with the City of Parker;
- c. Evaluate and compare the number of searches resulting from motor vehicle stops within the City of Parker and whether contraband or other evidence was discovered in the course of those searches.
- 9. Information related to each complaint filed with the Parker Police Department alleging that a peace officer employed by the Parker Police Department has engaged in racial profiling.
- 10. Total number of officers who knew or did not know, the race/ethnicity of the individual before being detained.
- D. 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 VIII C. 7. to ensure that the race or ethnicity of the person operating the motor vehicle is being reported.
- E. If the chief administrator of a local law enforcement agency intentionally fails to submit the incident-based data as required by Article 2.134, the agency is liable to the State for a civil penalty in an amount not to exceed \$5,000.00 for each violation. The Attorney General may be used to collect a civil penalty under this subsection.
- F. 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 traffic stop or arrest.
- G. Racial Profiling Data will also be reported to the Texas Commission on Law Enforcement (TCOLE) by March 1 of each year, following the Commission 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 camera system capable of recording video and audio and each officer shall be equipped as well with a synced Digital Media Recorder (DMR).
- B. For procedures for the proper use of audio and video equipment refer to General Order 112.013 Computer and Electronic Equipment Usage and Data Security Section VII. (Mobile Video Recording Systems) and Section VIII. {Digital Media Recorders (DMR)(Body Worn

Camera)}

- C. A supervisor 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 above for each motor vehicle stop on the Racial Profiling form (PPD-008). All documentation must be submitted to the Commander of the Administrative Services Division prior to the end of that tour of duty.

X. REVIEW OF VIDEO AND AUDIO DOCUMENTATION (TPCA Standard 2.01)

- 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 engaged in racial profiling with response 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 General 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 Uniformed Services Division Commander 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 name of the offices whose stops were reviewed.
 - b. The date(s) of the videos reviewed.
 - c. The date the actual review was conducted.
 - d. The name of the person conducting the review.
 - 2. The Uniformed Division Commander 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 General Order.

D. In reviewing audio and video recordings, Uniformed Services Commander 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.

XI. TRAINING (TPCA Standard 2.01)

- 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 General Order.
- B. If any section, sentence, clause, or phrase of this General Order is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this General Order.
- C. All training in this General Order will be in accordance with General Order 101.001, Written Directive System, Chapter VIII, Training.
- D. The effective date is stated in the header block of this General Order.



Additional Data



Parker Police Department

01. Total Traffic Stops

2001

02. Location of Stop

a. City Street	1995	99.70%
b. US Highway	1	0.05%
c. County Road	4	0.20%
d. State Highway	0	0.00%
e. Private Property or Other	1	0.05%

03. Was Race known prior to Stop

a. NO	5	0.25%
b. YES	1996	99.75%

04. Race or Ethnicity

a. Alaska/ Native American/ Indian	2	0.10%
b. Asian/ Pacific Islander	439	21.94%
c. Black	273	13.64%
d. White	893	44.63%
e. Hispanic/ Latino	394	19.69%

05. Gender:

a. Female	755	37.73%	
i. Alaska/ Native American/ Indian	0	0.00%	
ii. Asian/ Pacific Islander	155	20.53%	
iii. Black	107	14.17%	
iv. White	369	48.87%	
v. Hispanic/ Latino	124	16.42%	
b. Male	1246	62.27%	
i. Alaska/ Native American/ Indian	2	0.16%	
ii. Asian/ Pacific Islander	284	22.79%	
iii. Black	166	13.32%	
iv. White	524	42.05%	
v. Hispanic/ Latino	270	21.67%	

06. Reason for Stop:

a. Violation of Law	12	0.60%	
i. Alaska/ Native American/ Indian	0	0.00%	
ii. Asian/ Pacific Islander	7	58.33%	
iii. Black	0	0.00%	
iv. White	3	25.00%	
v. Hispanic/ Latino	2	16.67%	
b. Pre-Existing Knowledge	3	0.15%	
i. Alaska/ Native American/ Indian	0	0.00%	
ii. Asian/ Pacific Islander	0	0.00%	
iii. Black	0	0.00%	

iv. White	3	100.00%
v. Hispanic/ Latino	0	0.00%
c. Moving Traffic Violation	1790	89.46%
i. Alaska/ Native American/ Indian	2	0.11%
ii. Asian/ Pacific Islander	398	22.23%
iii. Black	251	14.02%
iv. White	815	45.53%
v. Hispanic/ Latino	324	18.10%
d. Vehicle Traffic Violation	196	9.80%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	34	17.35%
iii. Black	22	11.22%
iv. White	72	36.73%
v. Hispanic/ Latino	68	34.69%

07. Was a Search Conducted

a. NO	1987	99.30%
i. Alaska/ Native American/ Indian	2	0.10%
ii. Asian/ Pacific Islander	437	21.99%
iii. Black	270	13.59%
iv. White	888	44.69%
v. Hispanic/ Latino	390	19.63%
b. YES	14	0.70%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	2	14.29%
iii. Black	3	21.43%
iv. White	5	35.71%
v. Hispanic/ Latino	4	28.57%

08. Reason for Search

a. Consent	3	0.15%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	1	33.33%
iii. Black	0	0.00%
iv. White	1	33.33%
v. Hispanic/ Latino	1	33.33%
b. Contraband in Plain View	1	0.05%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	0	0.00%
iv. White	1	100.00%
v. Hispanic/ Latino	0	0.00%
c. Probable Cause	8	0.40%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	1	12.50%
iii. Black	2	25.00%
iv. White	3	37.50%
v. Hispanic/ Latino	2	25.00%

d. Inventory	0	0.00%	
i. Alaska/ Native American/ Indian	0	#DIV/0!	
ii. Asian/ Pacific Islander	0	#DIV/0!	
iii. Black	0	#DIV/0!	
iv. White	0	#DIV/0!	
v. Hispanic/ Latino	0	#DIV/0!	
e. Incident to Arrest	2	0.10%	
i. Alaska/ Native American/ Indian	0	0.00%	
ii. Asian/ Pacific Islander	0	0.00%	
iii. Black	1	50.00%	
iv. White	0	0.00%	
v. Hispanic/ Latino	1	50.00%	

09. Was Contraband Discovered

a. YES	8	0.40%	
i. Alaska/ Native American/ Indian	0	0.00%	
Finding resulted in arrest - YES	0		
Finding resulted in arrest - NO	0		
ii. Asian/ Pacific Islander	1	12.50%	
Finding resulted in arrest - YES	0		
Finding resulted in arrest - NO	1		
iii. Black	1	12.50%	
Finding resulted in arrest - YES	0		
Finding resulted in arrest - NO	1		
iv. White	4	50.00%	
Finding resulted in arrest - YES	1		
Finding resulted in arrest - NO	3		
v. Hispanic/ Latino	2	25.00%	
Finding resulted in arrest - YES	0		
Finding resulted in arrest - NO	2		
b. NO	6	0.30%	
i. Alaska/ Native American/ Indian	0	0.00%	
ii. Asian/ Pacific Islander	1	16.67%	
iii. Black	2	33.33%	
iv. White	1	16.67%	
v. Hispanic/ Latino	2	33.33%	

10. Description of Contraband

a. Drugs	6	0.30%	
i. Alaska/ Native American/ Indian	0	0.00%	
ii. Asian/ Pacific Islander	1	16.67%	
iii. Black	1	16.67%	
iv. White	4	66.67%	
v. Hispanic/ Latino	0	0.00%	
b. Currency	0	0.00%	
i. Alaska/ Native American/ Indian	0	#DIV/0!	
ii. Asian/ Pacific Islander	0	#DIV/0!	
iii. Black	0	#DIV/0!	
iv. White	0	#DIV/0!	

v. Hispanic/ Latino	0	#DIV/0!
c. Weapons	0	0.00%
i. Alaska/ Native American/ Indian	0	#DIV/0!
ii. Asian/ Pacific Islander	0	#DIV/0!
iii. Black	0	#DIV/0!
iv. White	0	#DIV/0!
v. Hispanic/ Latino	0	#DIV/0!
d. Alcohol	2	0.10%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	0	0.00%
iv. White	0	0.00%
v. Hispanic/ Latino	2	100.00%
e. Stolen Property	0	0.00%
i. Alaska/ Native American/ Indian	0	#DIV/0!
ii. Asian/ Pacific Islander	0	#DIV/0!
iii. Black	0	#DIV/0!
iv. White	0	#DIV/0!
v. Hispanic/ Latino	0	#DIV/0!
f. Other	0	0.00%
i. Alaska/ Native American/ Indian	0	#DIV/0!
ii. Asian/ Pacific Islander	0	#DIV/0!
iii. Black	0	#DIV/0!
iv. White	0	#DIV/0!
v. Hispanic/ Latino	0	#DIV/0!

11. Result of Stop

a. Verbal Warning	33	1.65%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	7	21.21%
iii. Black	7	21.21%
iv. White	17	51.52%
v. Hispanic/ Latino	2	6.06%
b. Written Warning	1063	53.12%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	232	21.83%
iii. Black	162	15.24%
iv. White	517	48.64%
v. Hispanic/ Latino	152	14.30%
c. Citation	897	44.83%
i. Alaska/ Native American/ Indian	2	0.22%
ii. Asian/ Pacific Islander	198	22.07%
iii. Black	101	11.26%
iv. White	358	39.91%
v. Hispanic/ Latino	238	26.53%
d. Written Warning and Arrest	0	0.00%
i. Alaska/ Native American/ Indian	0	#DIV/0!
ii. Asian/ Pacific Islander	0	#DIV/0!
iii. Black	0	#DIV/0!

iv. White	0	#DIV/0!
v. Hispanic/ Latino	0	#DIV/0!
e. Citation and Arrest	1	0.05%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	0	0.00%
iv. White	0	0.00%
v. Hispanic/ Latino	1	100.00%
f. Arrest	7	0.35%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	2	28.57%
iii. Black	3	42.86%
iv. White	1	14.29%
v. Hispanic/ Latino	1	14.29%

12. Arrest Based On

a. Violation of Penal Code	3	0.15%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	1	33.33%
iii. Black	1	33.33%
iv. White	1	33.33%
v. Hispanic/ Latino	0	0.00%
b. Violation of Traffic Law	2	0.10%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	2	100.00%
iv. White	0	0.00%
v. Hispanic/ Latino	0	0.00%
c. Violation of City Ordinance	0	0.00%
i. Alaska/ Native American/ Indian	0	#DIV/0!
ii. Asian/ Pacific Islander	0	#DIV/0!
iii. Black	0	#DIV/0!
iv. White	0	#DIV/0!
v. Hispanic/ Latino	0	#DIV/0!
d. Outstanding Warrant	3	0.15%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	1	33.33%
iii. Black	0	0.00%
iv. White	0	0.00%
v. Hispanic/ Latino	2	66.67%

13. Was Physical Force Used

a. NO	2001	100.00%
i. Alaska/ Native American/ Indian	2	0.10%
ii. Asian/ Pacific Islander	439	21.94%
iii. Black	273	13.64%
iv. White	893	44.63%
v. Hispanic/ Latino	394	19.69%

b. YES	0	0.00%	
i. Alaska/ Native American/ Indian	0	#DIV/0!	
ii. Asian/ Pacific Islander	0	#DIV/0!	
iii. Black	0	#DIV/0!	
iv. White	0	#DIV/0!	
v. Hispanic/ Latino	0	#DIV/0!	
13 b 1. YES: Physical Force Resulting in Bodily Injury to Suspect	0	#DIV/0!	
13 b 2. YES: Physical Force Resulting in Bodily Injury to Officer	0	#DIV/0!	
13 b 3. YES: Physical Force Resulting in Bodily Injury to Both	0	#DIV/0!	

14. Total Number of Racial Profiling Complaints Received

0

REPORT DATE COMPILED

January 12,
2022

Parker Police Department

2021 Annual Report



Message From The Chief



2021 remained a challenging year for Parker PD. We continued to fight through the enormous challenges of staff infections, family infections, staff shortages, infection protocols, etc. I am so proud of the staff and how they handled themselves in the face of these challenges. They have been willing to do whatever it has taken to keep the shifts staffed and our citizens protected. They all have done a fantastic job and have continued to serve Parker with distinction!

As we look ahead to 2022, we are applying the lessons learned the past two years, the recommendations of the CDC and healthcare experts to continue to provide law enforcement services to the City of Parker in the safest manner possible. We intend to continue forward with our agenda and increase services as we can. We have experienced a difficult recruiting process and the difficulty of finding quality candidates to fill our final vacant police officer position. We are encouraged that we have two candidates that look promising and who will be processed in the next few weeks.

We would like to thank the citizens of Parker, the Mayor, and the City Council for your support throughout 2021 and we look forward to your continued support in 2022. Please accept our Parker Police Department 2021 Annual Report.

In your service,
Richard Brooks
Chief of Police



Our Vision



- The Parker Police Department is committed to providing high quality police services to the community through community partnerships, problem-solving strategies, innovation, creativity, adaptability to an ever-changing environment and a participative management style through highly trained and disciplined employees using the latest technology.
- Furthermore, we recognize that our most valuable resource in this commitment is our people and we strive to create a positive working atmosphere where creativity and participation abound.

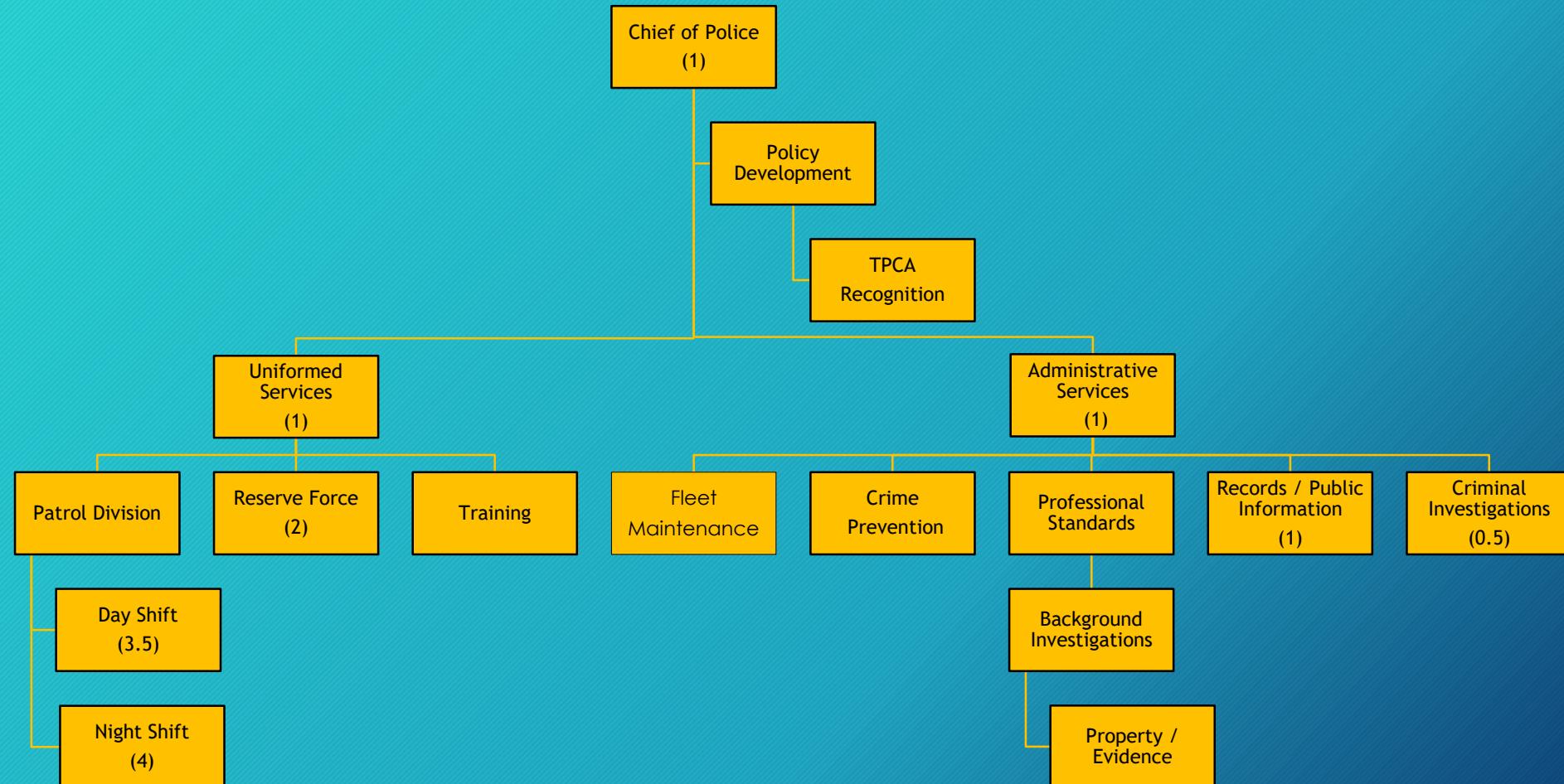
Our Mission



- The mission of the Parker Police Department is to serve our community by providing professional, courteous and unbiased law enforcement services, thus making the City of Parker a safe place to live, visit and work.



Organizational Chart



Parker Police Structure



Office of the Chief of Police

- ▶ Policy Development
- ▶ Recognition Program
- ▶ Budget/Purchasing
- ▶ Public Information Officer

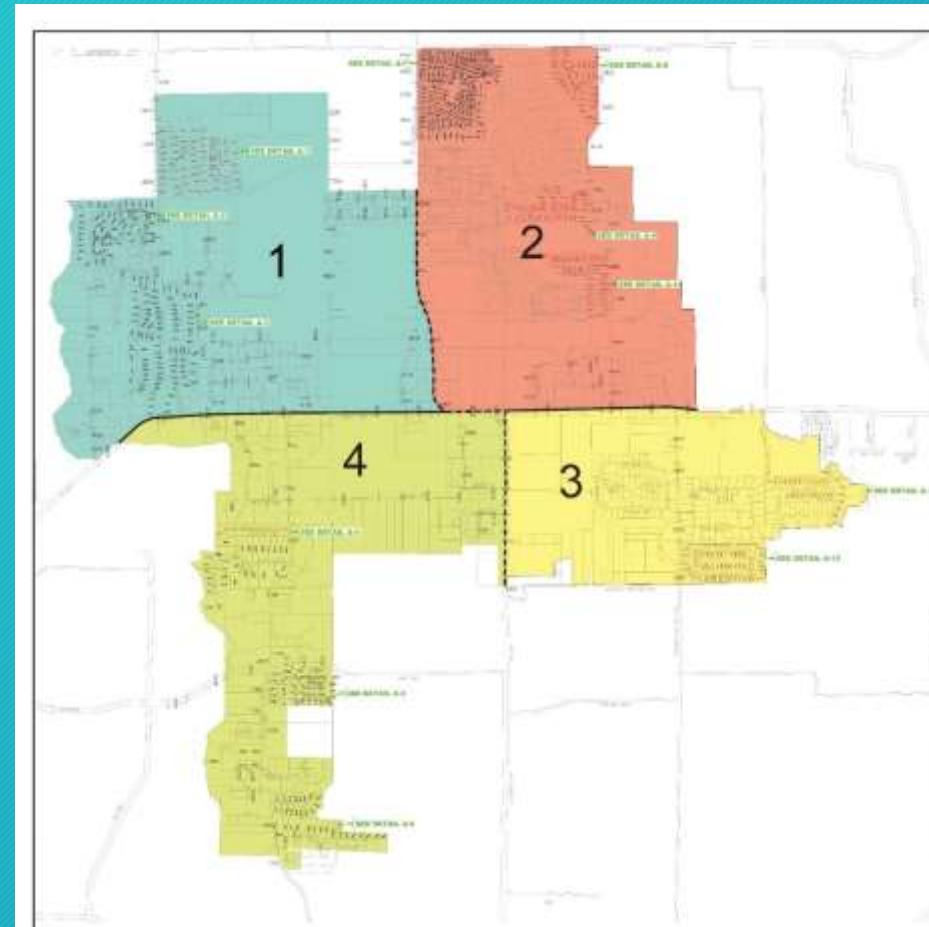
Uniformed Services Division

- ▶ Uniformed Patrol
- ▶ Traffic Enforcement
- ▶ Accident Investigation
- ▶ Training
- ▶ Reserve Force

Administrative Services Division

<ul style="list-style-type: none"> ▶ Crimes Against Persons ▶ Property Crimes ▶ Juvenile Crimes ▶ Crime Analysis ▶ Crime Victim Compensation ▶ Property/Evidence 	<ul style="list-style-type: none"> ▶ Professional Standards <ul style="list-style-type: none"> ▶ Internal Affairs ▶ Recruiting/Hiring ▶ Quartermaster <ul style="list-style-type: none"> ▶ Asset Management ▶ Special Events/Part-Time Jobs 	<ul style="list-style-type: none"> ▶ Police Records ▶ Public Information Requests ▶ Personnel Files ▶ Emergency Communications ▶ Vehicle Maintenance ▶ Community Services
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Police Beat Map - City

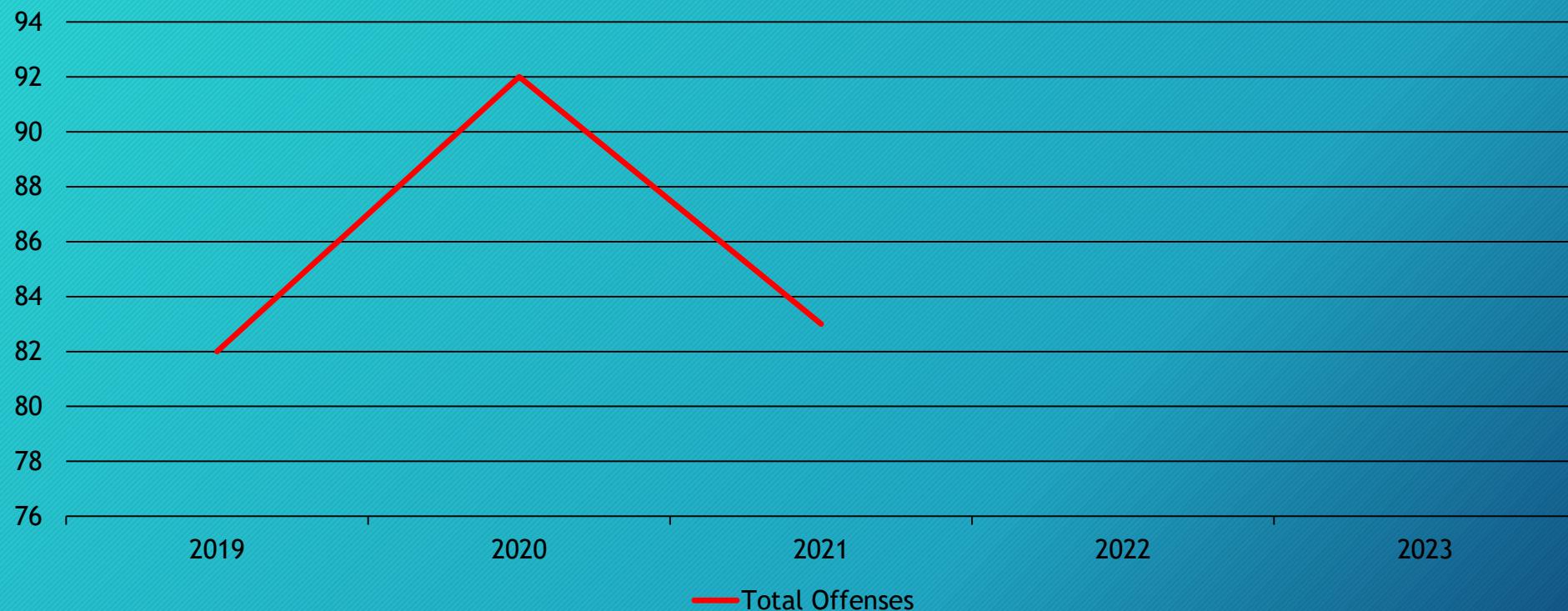




5 Year Crime Comparison (Group A)

	2019	2020	2021	2022	2023
Total Reporting Offenses	82	92	83		
Arson	0	0	0		
Aggravated Assault	7	8	5		
Bribery	0	0	0		
Burglary/Breaking and Entering	7	12	5		
Counterfeiting/Forgery	4	2	1		
Destruction/Damage/Vandalism of Property	8	19	12		
Drug/Narcotics	17	8	11		
Embezzlement	0	0	0		
Extortion/Blackmail	0	0	1		
Fraud	11	24	20		
Gambling	0	0	0		
Homicide	0	0	0		
Human Trafficking	0	0	0		
Kidnapping/Abduction	0	0	0		
Theft - Larceny	21	16	22		
Motor Vehicle Theft	0	1	0		
Pornography/Obscene Material	1	0	0		
Prostitution	0	0	0		
Robbery	0	0	0		
Sex Offenses	4	1	3		
Stolen Property	2	0	1		
Weapon Law Violations	0	1	2		

5 Year Crime Comparison (Group A)

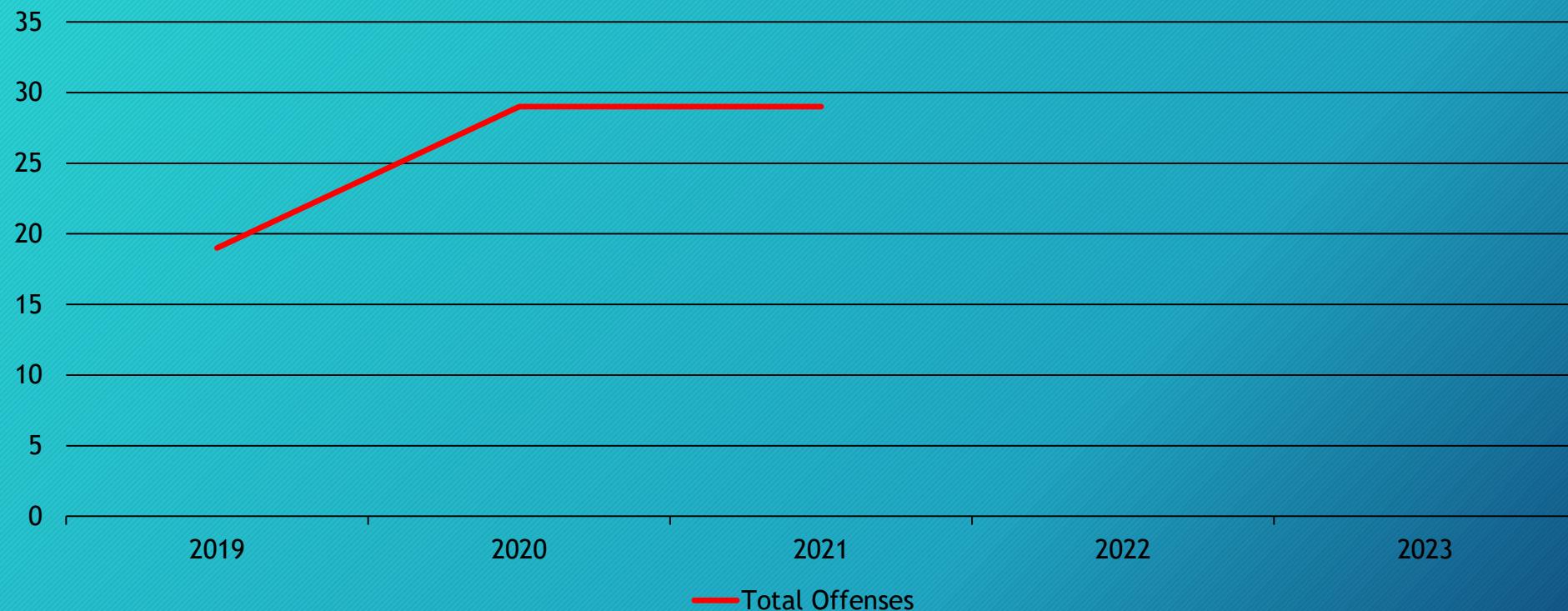




5 Year Crime Comparison (Group B)

	2019	2020	2021	2022	2023
Total Reporting Offenses	19	29	29		
Bad Checks	0	0	0		
Curfew/Loitering/Vagrancy Violations	0	0	0		
Disorderly Conduct	0	0	0		
Driving Under the Influence	4	4	2		
Drunkenness	1	2	1		
Family Offenses, Nonviolent	0	0	0		
Liquor Violations	0	0	3		
Peeping Tom	0	0	0		
Runaway	2	3	3		
Trespass of Real Property	4	5	3		
All Other Offenses	8	15	17		

5 Year Crime Comparison (Group B)





Crime Rate Per Capita

Population	2019 4840 ⁺	2020 5020 ⁺⁺	2021 5177 ⁺⁺⁺	2022	2023
Group A**	0.01694	0.01833	0.01603		
Group B***	0.00393	0.00578	0.00560		

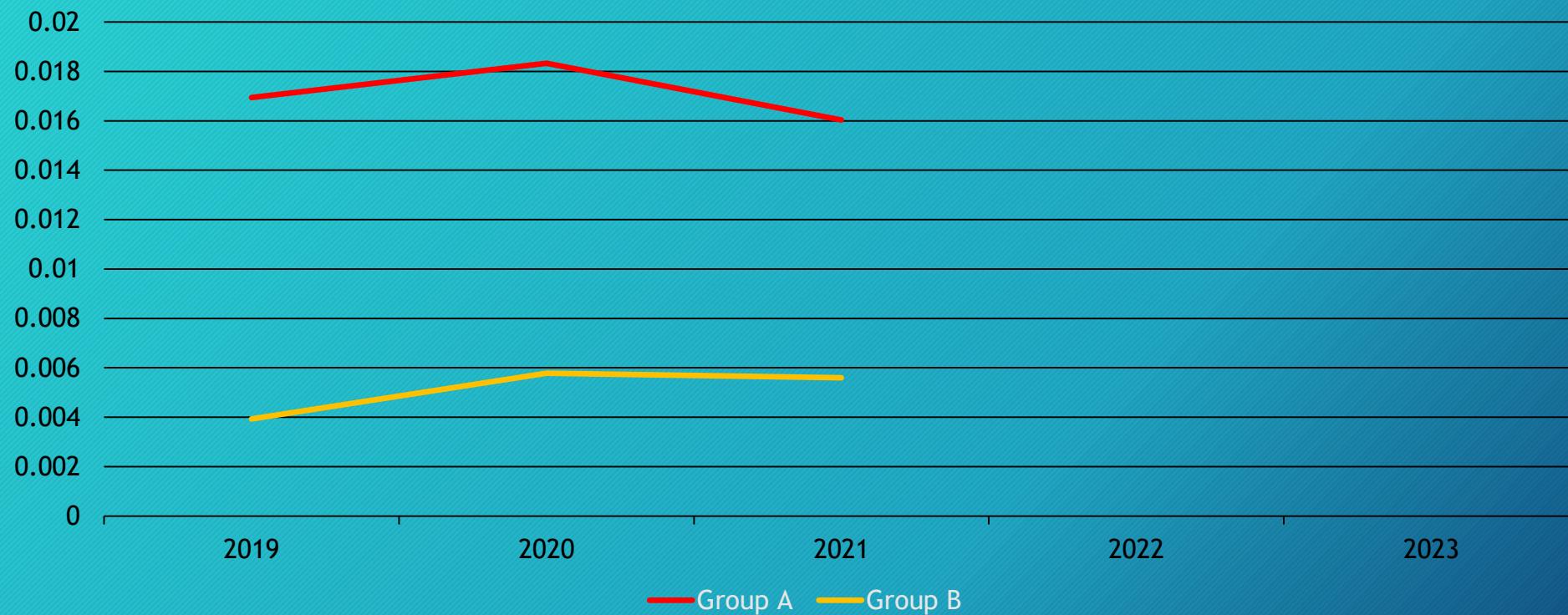
⁺Population count as of Jan. 2019
⁺⁺Population count as of Jan. 2020

⁺⁺⁺Population count as of Jan. 2021

- **Group A – Arson, Assault, Bribery, Burglary/Breaking and Entering, Counterfeiting/Forgery, Destruction/Damage/Vandalism of Property, Drug/Narcotic, Embezzlement, Extortion/Blackmail, Fraud, Gambling, Homicide, Human Trafficking, Kidnapping/Abduction, Larceny/Theft, Motor Vehicle Theft, Pornography/Obscene Material, Prostitution, Robbery, Sex Offenses, Stolen Property, Weapon Law Violations
- ***Group B – Bad Checks, Curfew/Loitering/Vagrancy Violations, Disorderly Conduct, Driving Under Influence, Drunkenness, Family Offenses Nonviolent, Liquor Violations, Peeping Tom, Runaway, Trespass of Real Property, All Other Offenses



Crime Rate Per Capita





Response Times - 2021

Response Times (Avg. Mins)	January	February	March	April	May	June
Priority 1	5.54	6.26	6.63	5.53	5.7	6.39
Priority 2	2.86	4.67	5.19	4.38	4.45	2.75
Response Times (Avg. Mins)	July	August	September	October	November	December
Priority 1	6.02	5.2	6.07	6.33	4.79	5.99
Priority 2	2.93	3.79	4.45	4.49	4.93	2.74

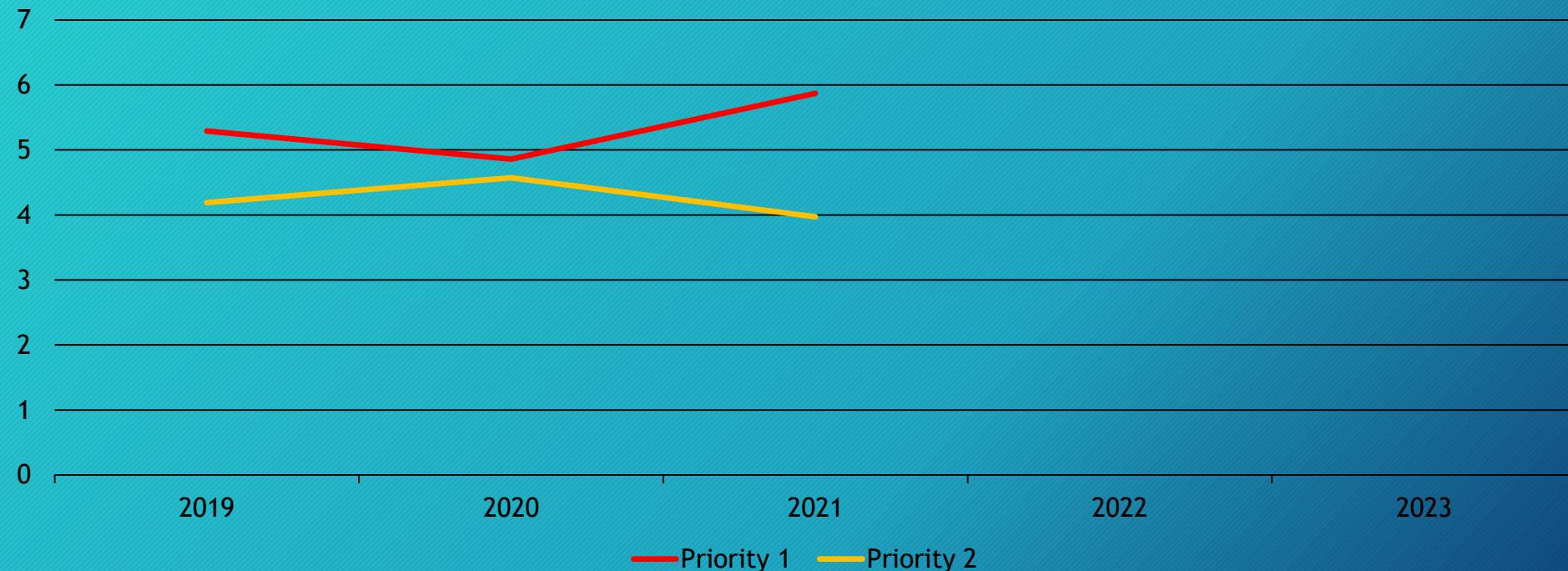
Response Times - 2021





Response Times – 5 Years

Response Times (Avg. Mins)	2019	2020	2021	2022	2023
Priority 1	5.29	4.86	5.87		
Priority 2	4.19	4.57	3.97		





Accidents - 2021

Accident Types	January	February	March	April	May	June
Injury - Major	1	2	1	2	4	2
Non-Injury - Minor	2	3	1	3	3	6
Hit & Run	1	0	0	0	0	0
Accident Types	July	August	September	October	November	December
Injury - Major	2	2	1	1	1	2
Non-Injury - Minor	3	6	5	5	5	4
Hit & Run	1	0	0	0	0	0

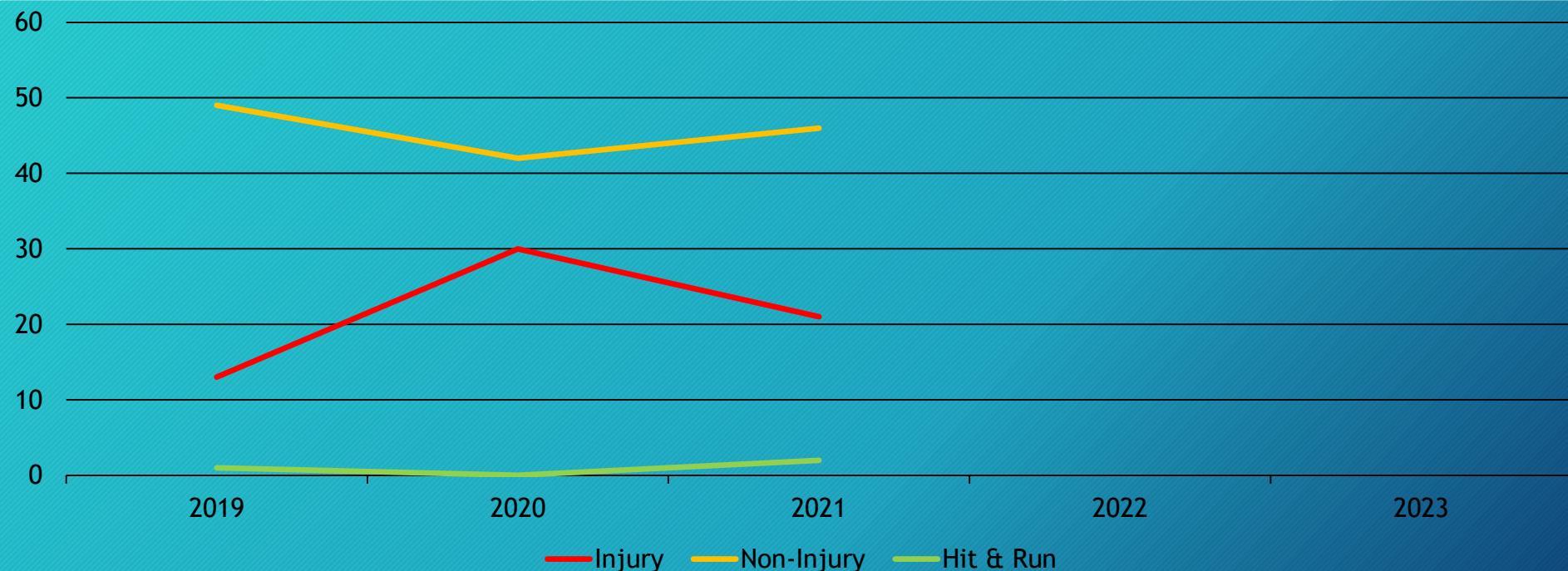
Accidents - 2021





Accidents – 5 Years

Accident Types	2019	2020	2021	2022	2023
Injury - Major	13	30	21		
Non-Injury - Minor	49	42	46		
Hit & Run	1	0	2		

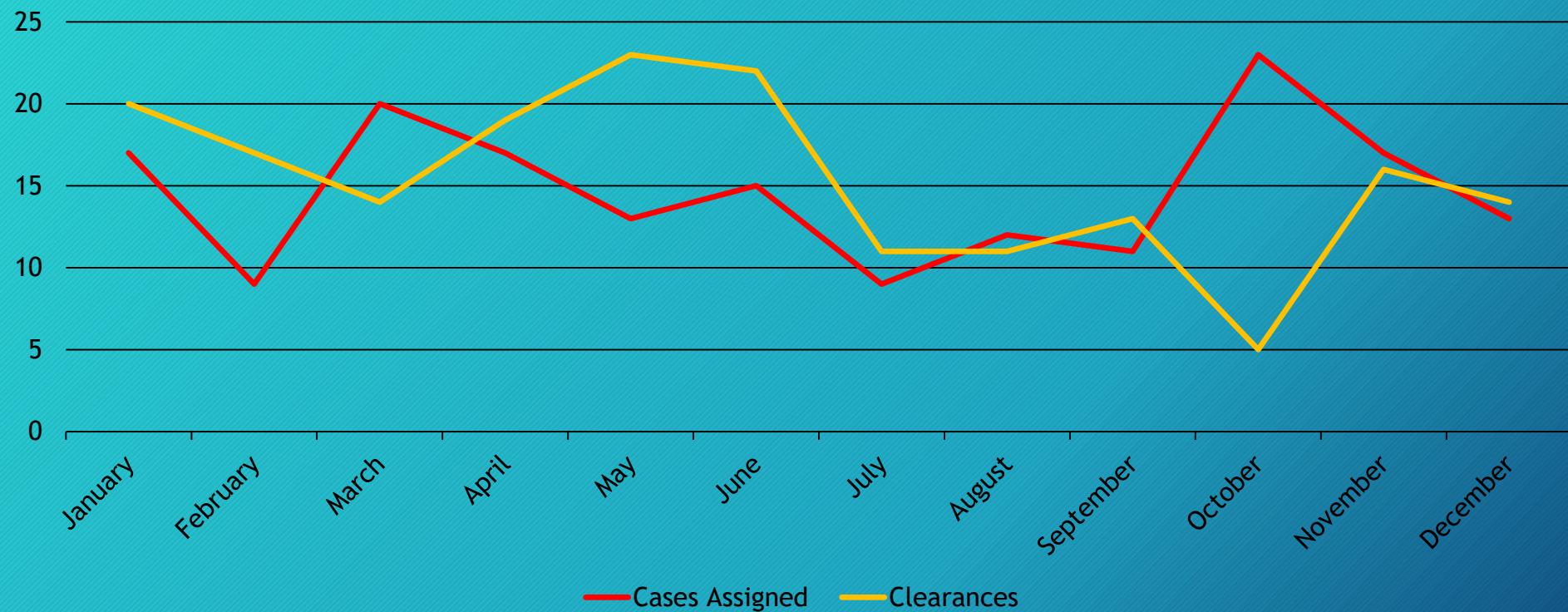




Investigations - 2021

Investigation	January	February	March	April	May	June
Case Assigned	17	9	20	17	13	15
Clearances	20	17	14	19	23	22
Investigation	July	August	September	October	November	December
Case Assigned	9	12	11	23	17	13
Clearances	11	11	13	5	16	14

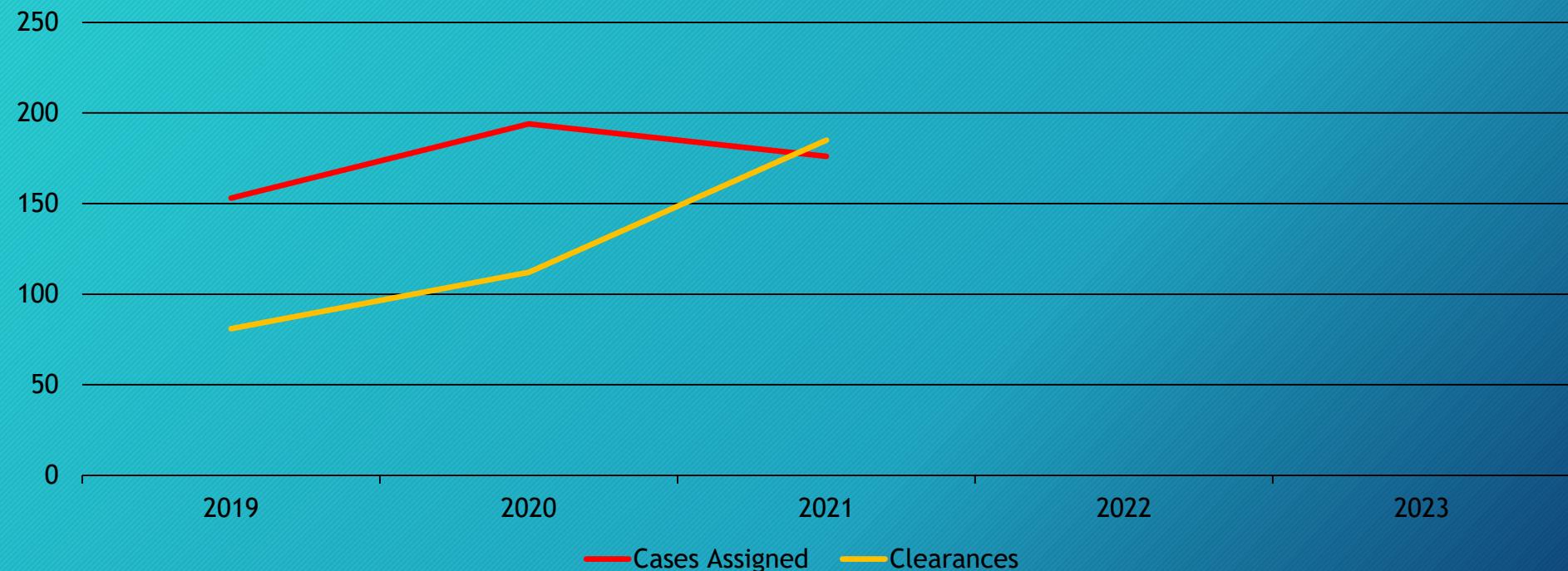
Investigations - 2021





Investigations – 5 Years

Investigation	2019	2020	2021	2022	2023
Cases Assigned	153	194	176		
Clearances	81	112	185		

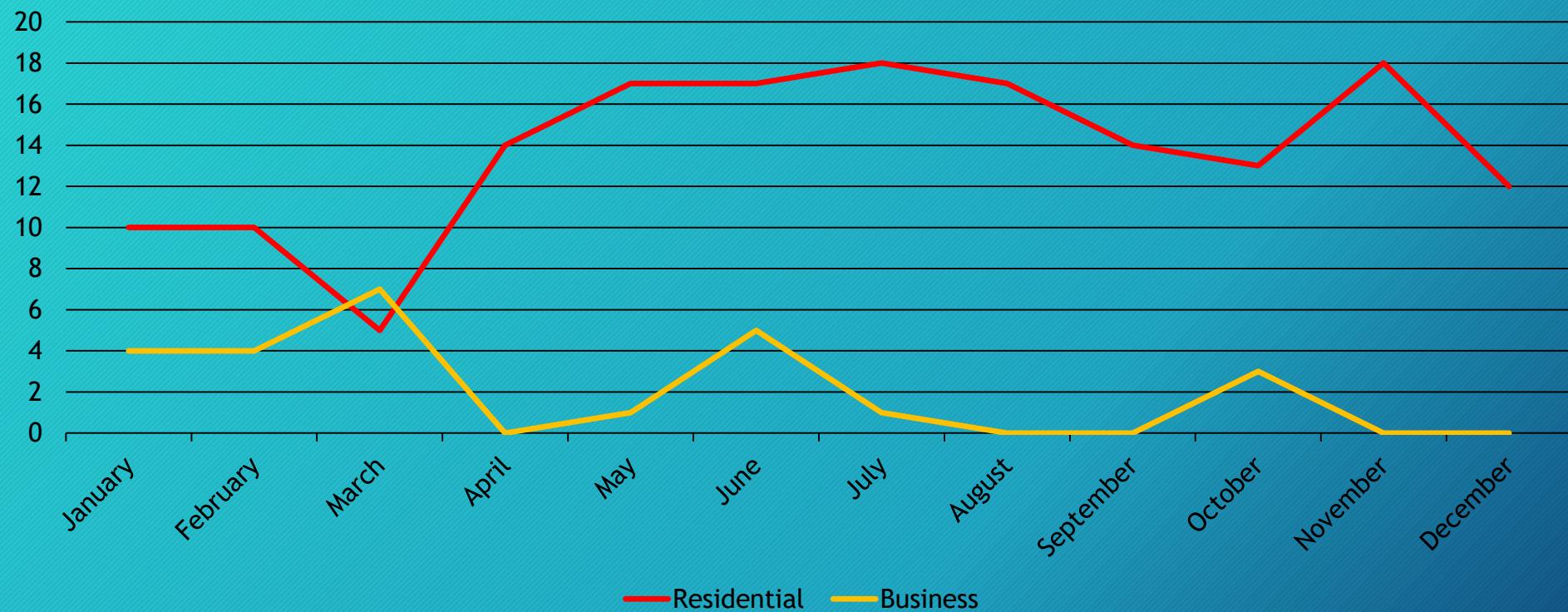


Alarms - 2021



Alarm Activity	January	February	March	April	May	June
Residential	10	10	5	14	17	17
Business	4	4	7	0	1	5
Total	14	14	12	14	18	22
Alarm Activity	July	August	September	October	November	December
Residential	18	17	14	13	18	12
Business	1	0	0	3	0	0
Total	19	17	14	16	18	12

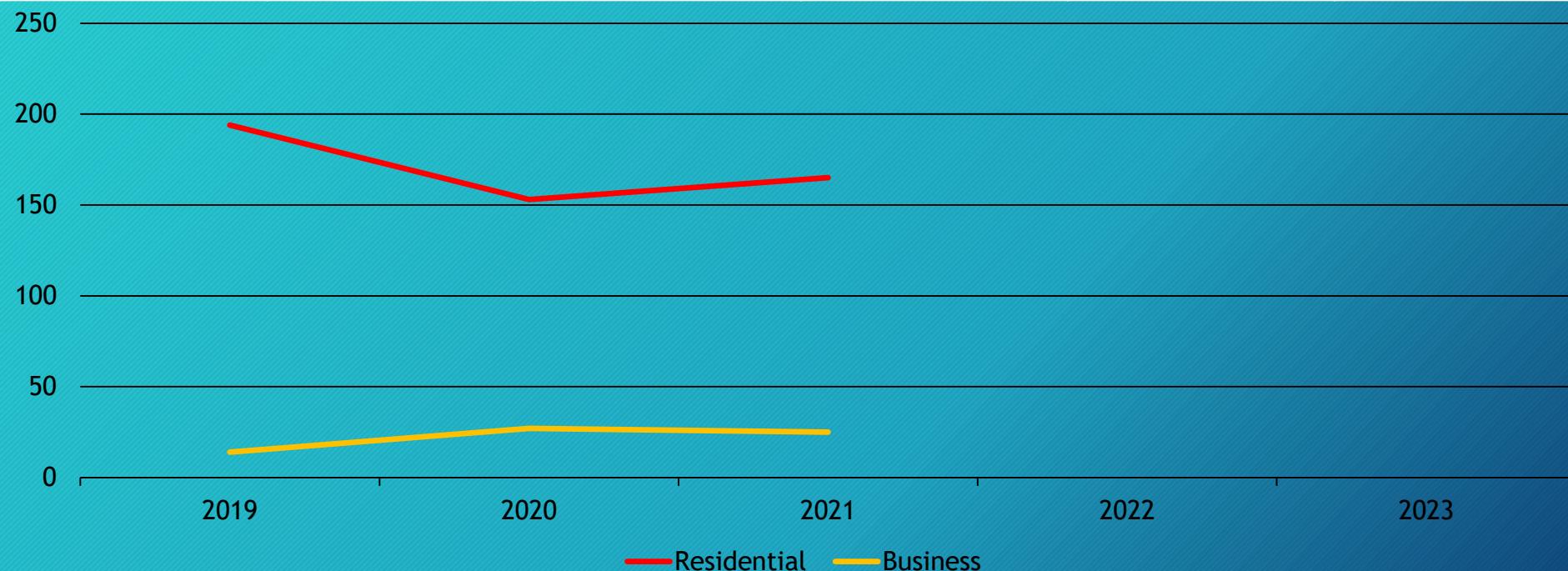
Alarms - 2021





Alarms – 5 Years

Alarm Activity	2019	2020	2021	2022	2023
Residential	194	153	165		
Business	14	27	25		
Total	208	180	190		

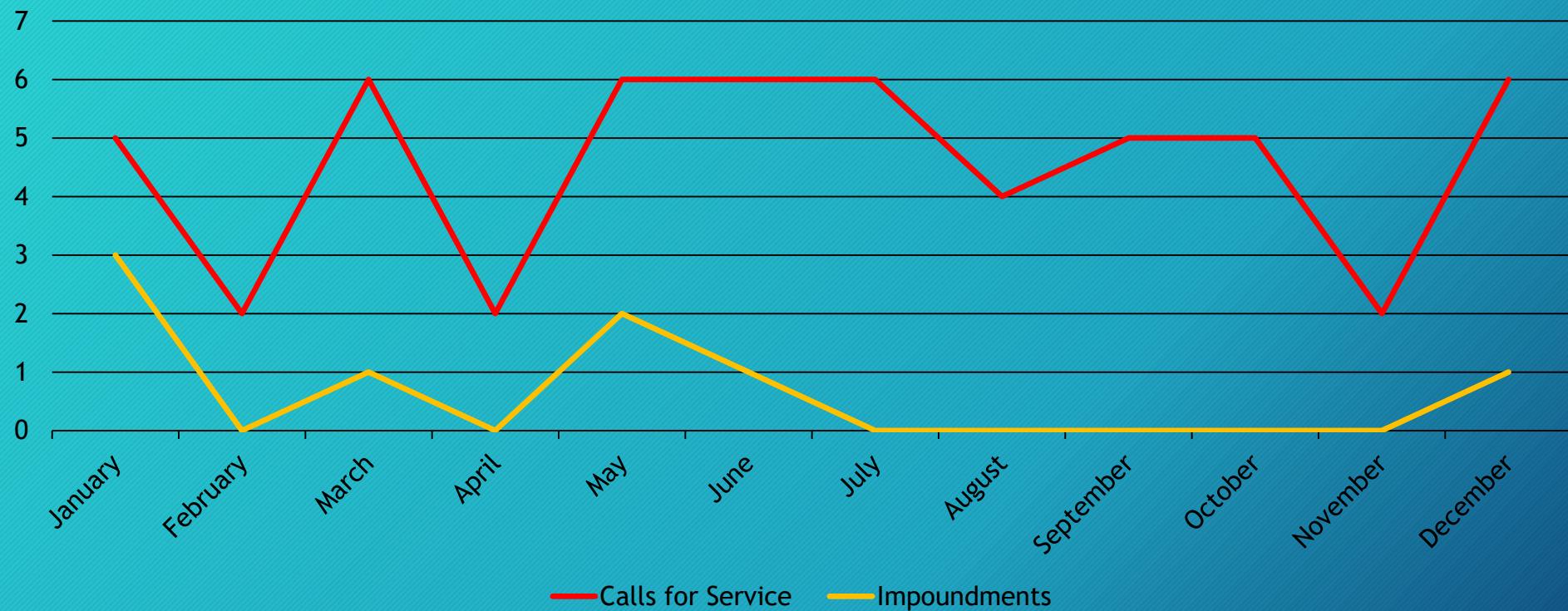


Animal Services - 2021



Service Activity	January	February	March	April	May	June
Calls for Service	5	2	6	2	6	6
Impoundments	3	0	1	0	2	1
Service Activity	July	August	September	October	November	December
Case Assigned	6	4	5	5	2	6
Impoundments	0	0	0	0	0	1

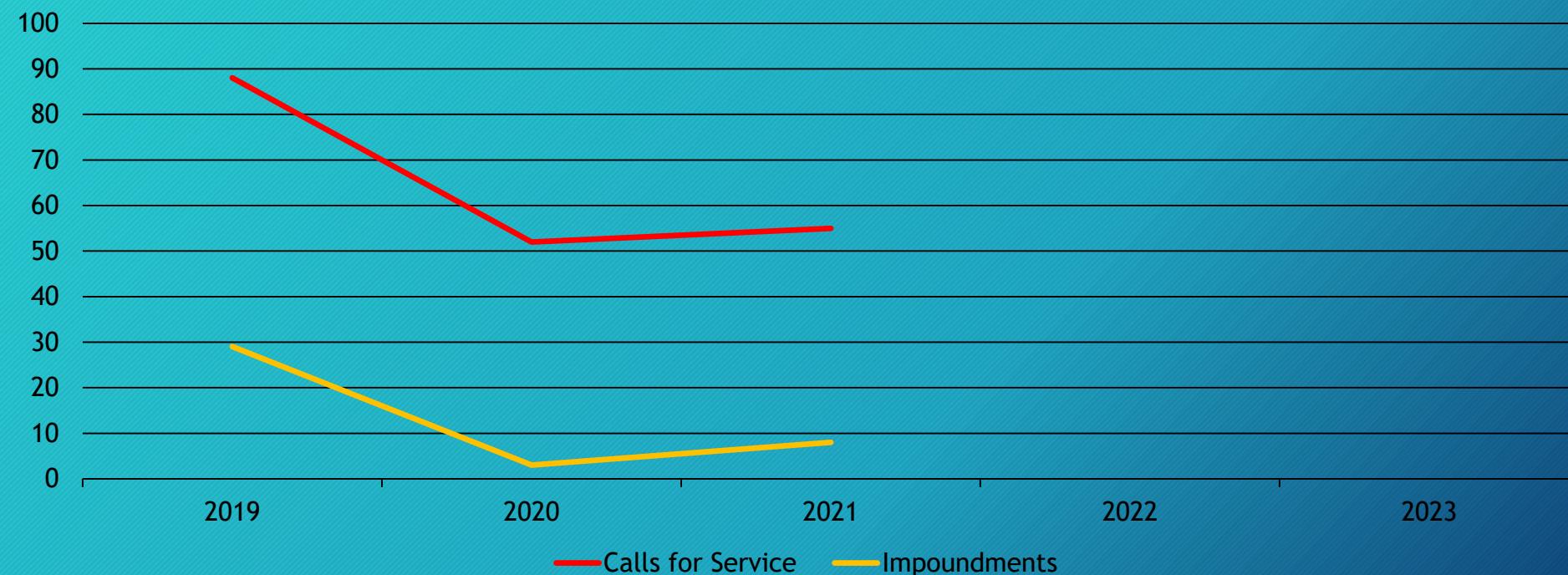
Animal Services - 2021





Animal Services – 5 Years

Service Activity	2019	2020	2021	2022	2023
Calls for Service	88	52	55		
Impoundments	29	3	8		

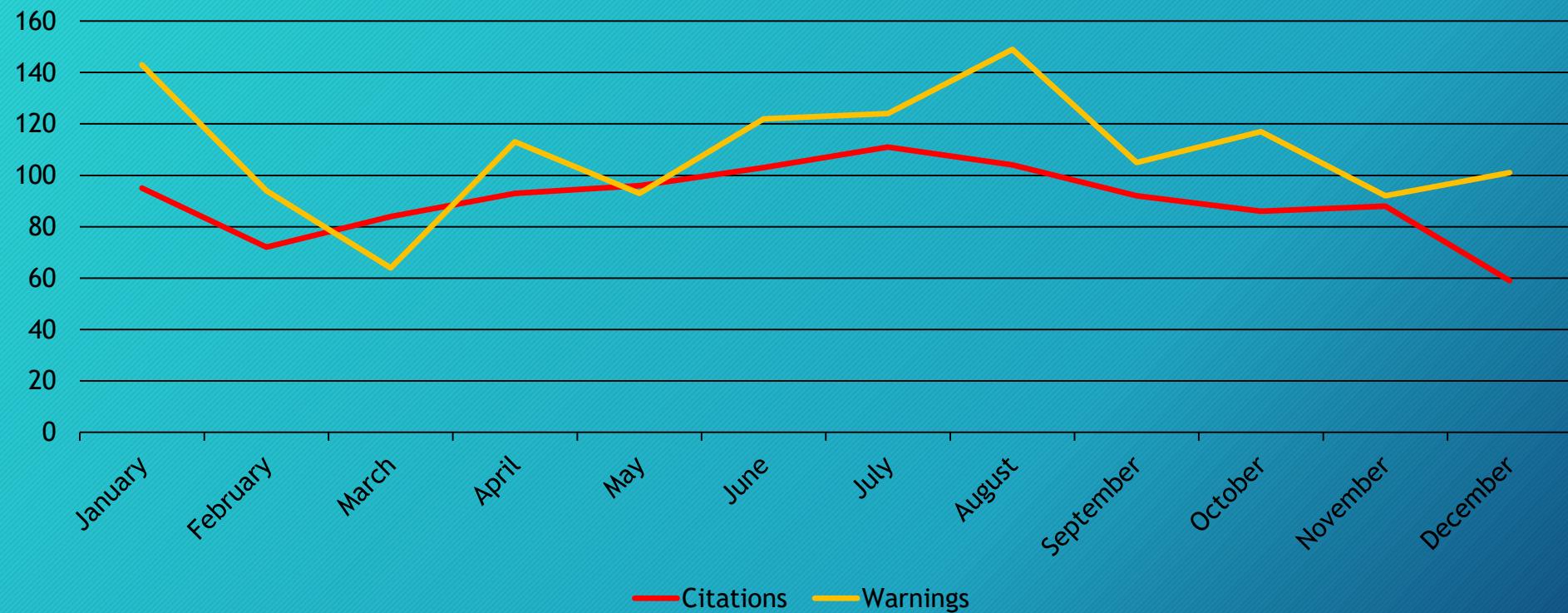




Citations - 2021

Traffic Enforcement	January	February	March	April	May	June
Citations	95	72	84	93	96	103
Warnings	143	94	64	113	93	122
Traffic Enforcement	July	August	September	October	November	December
Citations	111	104	92	86	88	59
Warnings	124	149	105	117	92	101

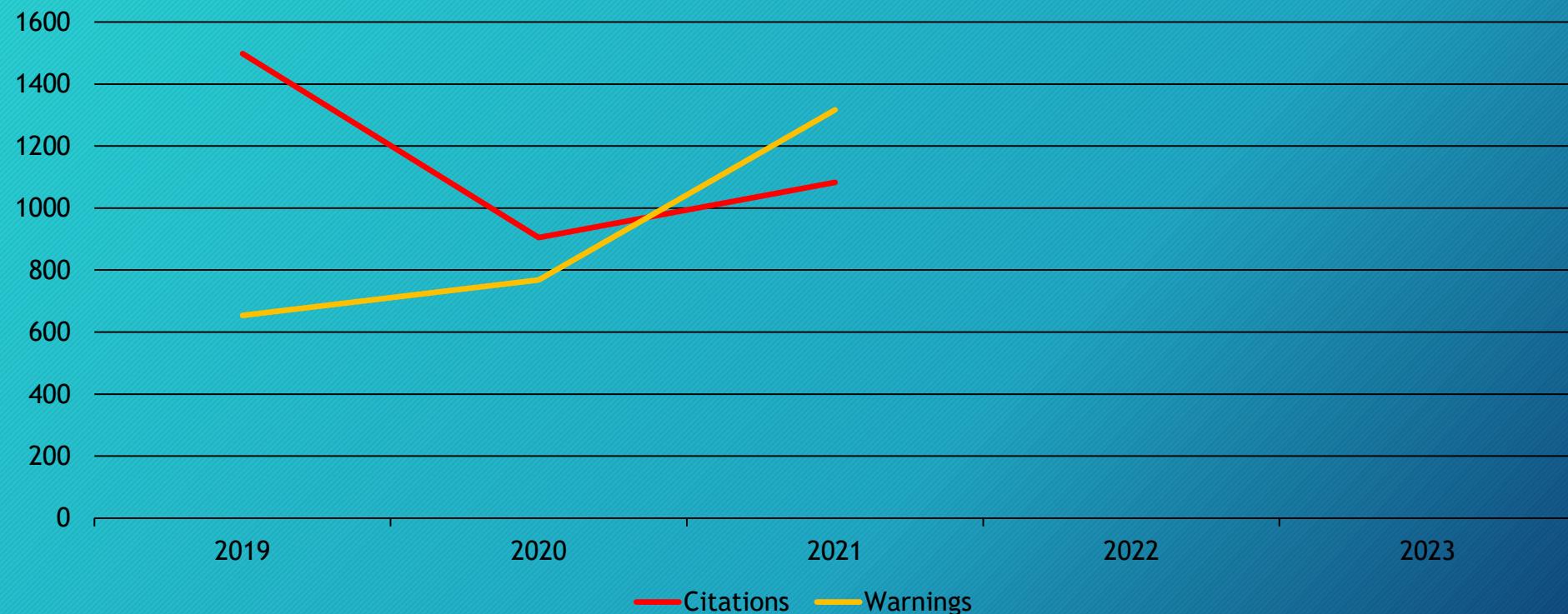
Citations - 2021





Citations – 5 Years

Alarm Activity	2019	2020	2021	2022	2023
Citations	1498	905	1083		
Warnings	654	768	1317		



Ongoing Community Programs & Events



► **National Night Out**

- Held in October in neighborhoods throughout the city, a community-police awareness raising event.

► **Speed Radar Trailer**

- This program allows the Parker Police Department to set up a speed radar trailer at different intervals in different locations throughout Parker to help remind motorists to be cautious of the speeds on the road in the City of Parker. This greatly help reduce the amount of speeding and reckless drivers throughout the City. We added a third device to the program which was deployed in the field on 01/18/2022.

New Community Programs for 2022



► Stalker Radar Trailer

- A speed measurement tool used for potential enforcement and/or lack of enforcement needs at different locations in the City of Parker. It provides traffic counts, speed monitoring, and data on traffic enforcement issues.

2022 Department Awards

Individual Awards



- ▶ Award Policy reviewed and released in 2020.
- ▶ Awards policy will be vetted by the City Council for final approval. If approved, program will be implemented in 2022.

Looking Forward



- ▶ In the upcoming year, we will strive to
 - ▶ Increase operational safety and capabilities through advanced training.
 - ▶ Increase community engagement. “Fly Our Flag”
 - ▶ Begin a social media presence to better connect with our community.
 - ▶ Facebook
 - ▶ Twitter
 - ▶ Propose expansion of Reserve Officer Program.
 - ▶ Propose new Citizen Volunteer Program.



Council Agenda Item

Budget Account Code:	Meeting Date: See above.
Budgeted Amount:	Department/ Requestor: City Council
Fund Balance-before expenditure:	Prepared by: ACA/CS Scott Grey & City Attorney Lansford
Estimated Cost:	Date Prepared: January 27, 2022
Exhibits:	<ul style="list-style-type: none"> • <u>Proposed Resolution</u>

AGENDA SUBJECT

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION NO. 2022-693 CONFIRMING THE CONCLUSION OF THE APPOINTMENT OF AN INTERIM MUNICIPAL ATTORNEY; AND PROVIDING AN EFFECTIVE DATE.

SUMMARY

On July 20, 2021, the law firm of Banowsky & Levine, P.C. was appointed at the City's Interim Municipal Attorney pending the search for a new Municipal Attorney.

Subsequently on January 11, 2022, through Ordinance No. 810, Larence M. Lansford, III was appointed the next Municipal Attorney and started his employment on January 17, 2022.

This Resolution is to confirm the conclusion of Banowsky & Levine, P.C.'s appointment as Interim Municipal Attorney.

POSSIBLE ACTION

City Council may direct staff to take appropriate action.

Inter – Office Use			
Approved by:	Enter Text Here		
Department Head/ Requestor:	<i>Patti Scott Grey</i>	Date:	01/27/2022
City Attorney:	<i>Trey Lansford</i>	Date:	01/27/2022 via Municode Software
City Administrator:	<i>Luke B. Olson</i>	Date:	01/28/2022

RESOLUTION NO. 2022-693
(RELATED TO RESOLUTION NO. 2021-670)
(Conclusion Interim City Attorney)

**A RESOLUTION OF THE CITY OF PARKER, COLLIN COUNTY, TEXAS,
CONFIRMING THE CONCLUSION OF THE APPOINTMENT OF AN INTERIM
MUNICIPAL ATTORNEY; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, Section 30.30 of the Code of Ordinances of the City of Parker, Texas provides for the municipal officer position of Municipal Attorney; and

WHEREAS, Resolution 2021-670, passed on July 20, 2021, appointed the law firm of Banowsky & Levine, P.C. as the City's Interim Municipal Attorney for such time as the City was conducting its search for the next Municipal Attorney; and

WHEREAS, Ordinance No. 810, passed on January 11, 2022, confirmed the appointment of Larence M. Lansford, III as the next Municipal Attorney for the City of Parker, to be effective January 17, 2022; and

WHEREAS, Mr. Lansford has commenced his employment with the City in the roll of Municipal Attorney, ending the necessity of the role of an Interim Municipal Attorney;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY
OF PARKER, COLLIN COUNTY, TEXAS:**

Section 1. That the City Council hereby confirms the conclusion of Banowsky & Levine, P.C.'s appointment as Interim Municipal Attorney

Section 2. This Resolution shall become effective immediately upon its passage and approval.

**DULY RESOLVED BY THE CITY COUNCIL OF PARKER, COLLIN COUNTY, TEXAS,
THIS 1st DAY OF February, 2022.**

ATTEST:

Patti Scott Grey, City Secretary

Lee Pettle, Mayor

APPROVED AS TO LEGAL FORM:

Larence M. Lansford, III, City Attorney



Council Agenda Item

Budget Account Code:	Meeting Date: See above.
Budgeted Amount:	Department/ Requestor: Council
Fund Balance-before expenditure:	Prepared by: ACA/CS Scott Grey for City Administrator Olson
Estimated Cost:	Date Prepared: January 27, 2022
Exhibits:	<u>None</u>

AGENDA SUBJECT

UPDATE(S):

ANY COMMITTEE UPDATES, AS NEEDED.

ACCEPTANCE OF DONATION(S) FOR POLICE, FIRE, AND CITY STAFF FOR THE RECORD (Each valued at between \$0 - \$500). [PETTLE]

Kathy Harvey donated several boxes of Girl Scout Cookies valued at \$50.00.

SUMMARY

Please review information provided.

POSSIBLE ACTION

City Council may direct staff to take appropriate action.

Inter – Office Use			
Approved by:	Enter Text Here		
Department Head/ Requestor:	<i>Patti Scott Grey</i>	Date:	01/27/2022
City Attorney:	<i>Trey Lansford</i>	Date:	01/27/2022 via Municode Software
City Administrator:	<i>Luke B. Olson</i>	Date:	01/28/2022



Council Agenda Item

Budget Account Code:	Meeting Date: See above.
Budgeted Amount:	Department/ Requestor: Council
Fund Balance-before expenditure:	Prepared by: ACA/CS Scott Grey for City Administrator Olson
Estimated Cost:	Date Prepared: January 27, 2022
Exhibits:	<ul style="list-style-type: none"> • Future Agenda Items

AGENDA SUBJECT

FUTURE AGENDA ITEMS

SUMMARY

Please review information provided.

POSSIBLE ACTION

City Council may direct staff to take appropriate action.

Inter – Office Use			
Approved by:	Enter Text Here		
Department Head/ Requestor:	<i>Patti Scott Grey</i>	Date:	01/27/2022
City Attorney:	<i>Trey Lansford</i>	Date:	01/27/2022 via Municode Software
City Administrator:	<i>Luke B. Olson</i>	Date:	01/28/2022

AGENDA DATE	ITEM DESCRIPTION	CONTACT	Notes
2022			
Feb(Mar), May, Aug, Nov	Fire Department Quarterly Report	Sheff/Miller	4th Qtr 2022 0215 CC Agenda
Feb(Mar), May, Aug, Nov	Investment Quarterly Report	Savage	4th Qtr 2022 0215 CC Agenda
	Council Committee Updates	Council	2022 0126 Any Committees updates, as needed
2022 0215	Audit	Savage	2022 0126
Tentatively - March, 2022	Oncor	City Attorney	
Tentatively - April 2022	Investment Policy - Per F/HR GS (2021 1213)	Savage	Tabled 2021 1207;mov'd to 2022, Res. No. 2021-688
Tentatively - July, 2022	Grade/Step Program	Lansford	2022 0125 Agenda Mtg -
Tentatively - 2022	Other Maps - Zoning, Transportation & Annexation	Olson/Machado	
Tentatively - 2022	Zoning Regs - P.H. & Ord. No. 800 approval - Update	Levine or CA	2021 0518 CC - Tabled; 2022 0113 Joint Mtg
Tentatively - 2022	Water Rate Analysis - Ongoing	Savage/Machado	0810 Ord739 2016 Water Rate Amendments for 2016-2020
Tentatively - 2022	Oncor & Frontier Franchise (All?) - Review Ongoing		2021 0615 added
Tentatively - 2022	Captil Equipment & City Vehicle Replacement Policy - Add Computer policy	Olson	2021 0907 Tabled; CALO to do research & bring recommendations back to Council
Tentatively - 2022	Animal Shelter - one year/automatically	Meyer	Res. No. 2019-617;2021 0720 MLP added
Tentatively - 2022	Civic Plus Contract?	Pettle	Work in Progress
Tentative	Bulk Trash set out update - MLP 2021 1222 email	Pettle/Olson	



Council Agenda Item

Budget Account Code:	Meeting Date: See above.
Budgeted Amount:	Department/ Requestor: Council
Fund Balance-before expenditure:	Prepared by: ACA/CS Scott Grey for City Administrator Olson
Estimated Cost:	Date Prepared: January 27, 2022
Exhibits:	<u>None</u>

AGENDA SUBJECT

TRASH AND BULK TRASH ORDINANCE UPDATE

PARK RULES

COMPLAINTS REGARDING ANIMAL SALES WITHIN THE SPECIAL ACTIVITY DISTRICT

AGENDA, PACKET, AND MINUTES

SUMMARY

Please review information provided.

POSSIBLE ACTION

City Council may direct staff to take appropriate action.

Inter – Office Use			
Approved by:	Enter Text Here		
Department Head/ Requestor:	<i>Patti Scott Grey</i>	Date:	01/27/2022
City Attorney:	<i>Trey Lansford</i>	Date:	01/27/2022 via Municode Software
City Administrator:	<i>Luke B. Olson</i>	Date:	01/28/2022

ORDINANCE NO. 777
(AMENDING ORDINANCES NO. 725, 706 and 666)

(Regulating Storage, Collection, and Disposal of Brush and Bulky Items of Solid Waste)

AN ORDINANCE OF THE CITY OF PARKER, COLLIN COUNTY, TEXAS, AMENDING ORDINANCES NO. 706 AND 666, REGULATING THE STORAGE, COLLECTION, AND DISPOSAL OF BRUSH AND BULKY ITEMS OF SOLID WASTE; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED \$500.00 PER DAY, FOR EACH DAY OF VIOLATION; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; PROVIDING FOR REVOCATION OF CONFLICTING ORDINANCES; PROVIDING FOR A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, large lots, extensive agriculture, and landscaping within the City of Parker may produce significant accumulations of brush and/or other bulky items in need of disposal; and

WHEREAS, the City of Parker provides a brush and bulky items solid waste disposal service to its residents, at certain regulated times during the year; and

WHEREAS, a property owner's storage of brush and other bulky items collected from the owner's property is a practice which may produce a physical and visual hazard for the travelling public, all against the health, safety, and welfare of the residents of the City of Parker, Texas;

WHEREAS, Ordinances 666, 706, and 725 established requirements for the placement and timing of the removal of brush and bulky items, which the Council now has determined should be further amended;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PARKER, COLLIN COUNTY, TEXAS:

Section 1. :

- A. Bulky items include appliances, and other trash items too large to be contained in the residential trash bin.
- B. Brush items include trees, tree limbs, plants, and/or leaves.
- C. It is a violation of this Ordinance to place or store Bulky or Brush Items less than 25 feet from the edge of the surface of the road or anywhere that may be visible to the public before the Thursday prior to the Monday of the week such items are scheduled to be removed by the City's solid waste service provider.
- D. Residents may place their bulky or brush items within ten (10) feet from the edge of the roadbed prior to Monday of the week such items are scheduled to be removed by the City solid waste service provider.

Section 2. Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Ordinance as a whole.

Section 3. All provisions of the ordinances of the City of Parker in conflict with the provisions of this Ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Parker not in conflict with the provisions of this Ordinance shall remain in full force and effect.

Section 4. That any person, firm or corporation violating any of the provisions or terms of this Ordinance upon conviction shall be punished by a fine not to exceed the sum of \$500.00 for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

PASSED AND APPROVED BY THE CITY COUNCIL OF PARKER, COLLIN COUNTY, TEXAS, THIS 4th DAY OF AUGUST, 2020.

APPROVED:





Mayor Lee Pettle

ATTEST:



City Secretary Patti Scott Grey

APPROVED AS TO FORM:



City Attorney Brandon Shelby

Park Rules

Preserve and Nature Trails

It is hoped that everyone will make use of our Preserve, trails, sidewalk, historical area, open spaces and public gardens. However, City Ordinances No. 608 and No. 722 lay out the following rules and regulations in order for everyone to safely enjoy the City Park. The Parker Police are authorized to enforce this Ordinance and seize and confiscate any unlawful items or contraband. If you observe these rules being violated or abused, please call 972-442-0333 (during business hours) or Dispatch at 972-468-4236 (after hours/weekends).

The rules are as follows:

- No motorized vehicles, except for wheel chairs for the disabled, are allowed in any park, trail, or sidewalk, except in designated parking areas.
- It is unlawful to damage, move, alter, cut, break, injure, deface, or disturb any tree, shrub, plant, rock, building, cage, pen, monument, fence, bench, equipment, or other structure, apparatus or property, or to pluck, pull up, cut, take, or remove any shrub, bush, plant, or flower, or to mark or write upon, paint, or deface in any manner, any building, monument, fence, bench, equipment or other structure.
- It is unlawful to cut or remove any wood, turf, grass, soil, rock, sand, gravel, or fertilizer.
- It is unlawful to make or kindle a fire except in picnic stoves, braziers, fire pits, or designated areas provided for that purpose.
- It is unlawful to place, abandon, or leave garbage, cans, bottles, papers, or other refuse in any park except in proper waste receptacles.
- It is unlawful to participate or engage in any activity in any park area when such activity will create a danger to the public or may be considered a public nuisance.
- It is unlawful to camp overnight, without written permission of the City Administrator or Mayor.
- It is unlawful to possess or consume any alcoholic beverage.
- It is unlawful to disturb in any manner any picnic, meeting, service, concert, exercise, or exhibition.
- It is unlawful to distribute, post, place, or erect any advertising, handbill, circular, bill, notice, paper or other advertising device.
- It is unlawful to sell or offer for sale any food, drinks, confections, merchandise, or services.
- It is unlawful to place or dump any trash, refuse, solid waste, grass clippings, leaves, or other objectionable or unsightly matter in the park.
- It is unlawful to conduct or participate in any tournament, camp, or organized sporting activity which has not been specifically authorized

- It is unlawful to carry a firearm, except those persons who are peace officers or are duly licensed by the State of Texas to carry a concealed handgun in accordance with the provisions of Subchapter H, Chapter 411, Government Code, as amended.
- It is unlawful to discharge firearms, fireworks, BB guns, air guns, bow and arrow, sling shots, blow guns, rockets, or paint ball guns.
- It is unlawful to swim, bathe, wade in or pollute the water of any fountain, pond, lake, or stream.
- It is unlawful to remain, stay or loiter in the area of the park between the hours of 11:00 pm and 5:00 am inclusive, every day of the week.
- It is unlawful to enter into/onto the wooden structure in the Preserve known as the "Barn", including its loft, stairs, roof and/or all other structures or areas as restricted by signage.
- It is unlawful to park or operate any truck-tractor, trailer, semitrailer, pole-trailer in a park facility parking lot at any time.
- It is unlawful for the owner or person with possession or custody of a domestic animal to allow the animal to defecate in the park without immediate removal and disposal of such feces in proper waste receptacles.
- It is unlawful to discard, abandon, litter, or break any glass container. No glass beverage containers are permitted in the park.
- It is unlawful to advertise, solicit, and/or conduct a business in the park in any manner that either creates a disturbance to other park guests, or displaces other park guests in the park, or involves more than two representatives of the business, or which occurs for more than one hour in any three day period.
- It is unlawful to use or operate any gas operated remote controlled airplane, boat, car, drone or other motorized, model device, including radio-controlled devices such as helicopters, parasail, hang-glider or hot air balloons, in any manner that either creates a disturbance to other park guests, or displaces other park guests in the park.
- It is unlawful to use or to operate mechanical or amplified music, sound or voice.

One or more of these rules above may be waived, in advance, in writing, by the Mayor or City Administrator.

Citizen Services