

**OFFICE OF SHERIFF
LAMB COUNTY**

Lamb County Clerk, Texas
Commissioners Court Minutes
Volume 58, Page 627

**GARY MADDOX
SHERIFF**



**1200 E. Waylon Jennings Blvd.
Littlefield, Texas 79339
Phone (806) 385-7900
Fax (806) 385-9400**

January 23, 2017

Since January 1, 2002, the Lamb County Sheriff's Office in accordance with the Texas Racial Profiling Law (S.B. No. 1074), has been collecting police contact data for the purpose of identify and responding (if necessary) to concerns regarding racial profiling practices. It is my hope that the findings provided in this report will serve as evidence that the Lamb County Sheriff's Office continues to strive towards the goal of maintaining strong relations with the community.

In this report, the reader will encounter several sections designed at providing background information on the rationale and objectives of the Texas Racial Profiling Law. Other sections contain information relevant to the institutional policies adopted by the Lamb County Sheriff's Office banishing the practice of racial profiling among its officers.

The final components of this report provide statistical data relevant to the public contacts made during the period of 1/1/2016 and 12/31/16. This information has been analyzed and compared to the South Plain Association of Governments (SPAG) on persons residing in the Lamb County area. It is my sincere hope that the channels of communication between the community and the Lamb County Sheriff's Office continue to strengthen as we move to meet the challenges of the near future.

Sincerely,

A handwritten signature in cursive script that reads "Gary Maddox".

Gary Maddox
Sheriff

**Sheriff's Office Contact Data
Annual Report
January 1, 2016 December 31, 2016**

Table of Content

(I) Introduction

- a) Opening Statement Outlining Rational and Objective of Report
- b) Table of Content
- c) The Texas Law on Racial Profiling
- d) Outlining of Requirements Introduced by The Texas Racial Profiling Law
- e) Sheriff's Office General Orders/Procedures (include organizational chart if available)
- f) Sheriff's Report on Random Viewing, Inventory, and or usage of Video/Audio Equipment in Police Vehicles, and Complaints made against Deputies.

(II) Responding to the Texas Racial Profiling Law

- a) Institutional Policy on Racial Profiling (definition/prohibition of racial profiling)
- b) Video Policy
- c) Implementation of Complaint Process Addressing Allegations of Racial Profiling Practices (includes efforts relevant to the implementation of an educational campaign aimed at informing the public on the complaint process)
- d) Training Administered to Law Enforcement Personnel
- e) Tables Depicting Police Contact Information (1/1/16-12/31/16). Include Tier 1 (Comparative Analysis)

(III) Summary of Findings

- a) Community Partnerships
- b) Analysis and Interpretation of Data.
- c) Summary Statement Regarding Findings ,
- d) Recommendations

Checklist

(I) The following requirements ***must*** be met by all law enforcement agencies in the State of Texas:

- Clearly defined act of actions that constitute racial profiling
- Statement indicating prohibition of any peace officer employed by the Lamb County Sheriff's Office from engaging in racial profiling
- Implement a process by which an individual may file a complaint regarding racial profiling violations
- Provide public education related to the complaint process
- Implement disciplinary guidelines for deputy(s) found in violation of the Texas Racial Profiling Law
- Collect data (Tier 1) that includes information on
 - a) Race and ethnicity of individual detained
 - b) Whether a search was conducted
 - c) If there was a search, whether it was a consent search or a probable cause search
 - d) Whether a custody arrest took place
- Produce an annual report on police contacts (Tier 1) and present this to local governing body by March 1, 2017.
- Adopt a policy, if video/audio equipment is installed, on standards for reviewing video and audio documentation

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

Gary Maddox
Sheriff
Lamb County

AN ACT

relating to the prevention of racial profiling by certain peace officers.

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

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

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

Art. 2.132. LAW ENFORCEMENT POLICY ON RACIAL
PROFILING. (a) In this article:

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

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

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

(1) clearly define acts constituting racial profiling;

(2) strictly prohibit peace officers employed by the agency
from engaging in racial profiling;

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

(4) provide public education relating to the agency's complaint process;

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

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

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

and

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

(7) require the agency to submit to the governing body of each county or municipality served by the agency an annual report of the information collected under Subdivision (6) if the agency is an agency of a county, municipality, or other political subdivision of the state.

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

(d) On adoption of a policy under Subsection (b), a law enforcement agency shall examine the feasibility of installing video camera and transmitter-activated equipment in each agency law enforcement motor vehicle regularly used to make traffic stops and transmitter-activated equipment in each agency law enforcement motorcycle regularly used to make traffic stops. If a law enforcement agency installs video or audio equipment as provided by this subsection, the policy adopted by the agency under Subsection (b) must include standards for reviewing video and audio documentation.

(e) A report required under Subsection (b)(7) may not include identifying information about a peace officer who makes a traffic stop or about an individual

who is stopped or arrested by a peace officer. This subsection does not affect the collection of information as required by a policy under Subsection (b)(6).

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

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

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

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

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

(1) a physical description of each person detained as a result of the stop, including:

(A) the person's gender; and

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

(2) the traffic law or ordinance alleged to have been violated or the suspected offense;

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

(4) whether any contraband was discovered in the course of the search and the type of contraband discovered;

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

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

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

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

Art. 2.134. COMPILATION AND ANALYSIS OF INFORMATION COLLECTED. (a) In this article, "pedestrian stop" means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.

(b) A law enforcement agency shall compile and analyze the information contained in each report received by the agency under Article 2.133. Not later than March 1 of each year, each local law enforcement agency shall submit a report containing the information compiled during the previous calendar year to the governing body of each county or municipality served by the agency in a manner approved by the agency.

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

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

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

(B) examine the disposition of traffic and pedestrian stops made by officers employed by the agency, including searches resulting from the stops; and

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

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

(e) The Commission on Law Enforcement Officer Standards and Education shall develop guidelines for compiling and reporting information as required by this article.

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

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

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

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

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

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

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

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

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

Art. 2.137. PROVISION OF FUNDING OR EQUIPMENT. (a) The Department of Public Safety shall adopt rules for providing funds or video and audio equipment to law enforcement agencies for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A), including specifying criteria to prioritize funding or equipment provided to law enforcement agencies. The criteria may include consideration of tax

effort, financial hardship, available revenue, and budget surpluses. The criteria must give priority to:

(1) law enforcement agencies that employ peace officers whose primary duty is traffic enforcement;

(2) smaller jurisdictions; and

(3) municipal and county law enforcement agencies.

(b) The Department of Public Safety shall collaborate with an institution of higher education to identify law enforcement agencies that need funds or video and audio equipment for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A). The collaboration may include the use of a survey to assist in developing criteria to prioritize funding or equipment provided to law enforcement agencies.

(c) To receive funds or video and audio equipment from the state for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A), the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency needs funds or video and audio equipment for that purpose.

(d) On receipt of funds or video and audio equipment from the state for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A), the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency has installed video and audio equipment as described by Article 2.135(a)(1)(A) and is using the equipment as required by Article 2.135(a)(1).

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

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

Art. 3.05. RACIAL PROFILING. In this code, "racial profiling" means a law enforcement-initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity.

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

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

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

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

(3) analyzing and reporting collected information.

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

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

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

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

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

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

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

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

(2) the registration number of the vehicle involved;

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

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

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

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

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

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

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

SECTION 7. Not later than January 1, 2002, a law enforcement agency shall adopt and implement a policy and begin collecting information under the policy as required by Article 2.132, Code of Criminal Procedure, as added by this Act. A local law enforcement agency shall first submit information to the governing body of each county or municipality served by the agency as required by Article 2.132, Code of Criminal Procedure, as

added by this Act, on March 1, 2003. The first submission of information shall consist of information compiled by the agency during the period beginning January 1, 2002, and ending December 31, 2002.

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

SECTION 9. Not later than January 1, 2002:

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

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

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

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

SECTION 12. This Act takes effect September 1, 2001.

S.B. No. 1074

DRAFT

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

S.B. No. 1074

DRAFT

Approved:

Date

Governor

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 particular category, for example, if only one American Indian is stopped and searched, that stop would not provide an accurate comparison with 200 stops among Caucasians with 100 searches. In the first case, a 100% search rate would be skewed data when compared to a 50% rate for Caucasians.

Standard 4

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

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

Commentary

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

Standard 5

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

Commentary

None

Standard 6

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

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

Commentary

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

Standard 7

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

Commentary

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

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

Lamb County Sheriff's Office General Orders

The following section established the mission, vision, values, goals, objectives, oath, ethics, and employment practices of the Lamb County Sheriff's Office. Each of these components is reviewed on an annual basis in order to ensure it adequately addresses the emerging needs of the office, the county, and the residents of Lamb County.

Mission

The Lamb County Sheriff's Office will always strive to provide the highest quality service, preserving human rights, lives, and property, while attempting to achieve the mission goals of the office, the county, and the communities. In the Lamb County Sheriff's Office we are committed to the highest professional standards, working in partnership with our citizens to problem solve and meet the challenges of reducing crime, creating a safer environment, and improving the community members' quality of life.

Vision

We, the men and women of the Lamb County Sheriff's Office, are committed to excellence in leadership, providing progressive and proactive services, developing community partnerships, and building for a better future.

Values

We, the members of the Lamb County Sheriff's Office, value the following in our members and our organization:

- Honesty
- Professionalism
- Integrity
- Compassion
- Cultural Diversity

Oath of Office

Each of the Lamb County Sheriff's Office shall subscribe to and abide by the Oath of Office:

I _____ do solemnly swear or affirm that I will faithfully execute the duties of a Deputy Sheriff of the Lamb County Sheriff's Office, Lamb County, Texas, and will to the best of my ability preserve, protect and defend the Constitution and Laws of the United States, and of this State; and I furthermore solemnly swear or affirm that I have not directly nor indirectly paid, offered, or promised to pay, contributed, nor promised to contribute, any money or valuable thing to receive my appointment.

So Help Me God.

Upon swearing to the Oath of Office, a signed copy is placed in the employee's personnel file.

Code of Ethics

Each member of the Lamb County Sheriff's Office shall subscribe to and abide by the Code of Ethics:

As a Law Enforcement Officer, my fundamental duty is to serve humanity; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional Rights of all people to liberty, equality and justice.

I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in obeying the laws of the land and the regulations of my Department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, animosities, or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to ethics of Law Enforcement. I will constantly strive to achieve these objectives and ideals, dedicating myself to my chosen profession . . . Law Enforcement.

The newly sworn member shall be given one copy of the Code of Ethics.

Equal Opportunity/Affirmative Action

The policy of the Lamb County Sheriff's Office is to be fair and impartial in all of its relations with its employees or applicants while adhering to the concept of equal employment opportunity and affirmative action as a necessary element of basic merit system principles. In order to achieve this goal, the Lamb County Sheriff's Office hereby reaffirms its official policy that discrimination on the basis of race, sex, color, religion, national origin, age, mental or physical handicap, disabled or veteran status is prohibited by all employees of the Lamb County Sheriff's Office. This policy will apply and is not limited to recruitment, promotion, hiring, layoff, termination, demotion, transfer, training, rates of pay, fringe benefits, or other forms of compensation, use of facilities, and other terms, conditions and privileges of employment for all job classifications. The Lamb County Sheriff's Office will take the necessary steps in its employment policies, practices and procedures and make reasonable accommodations in order to assure that appropriate equal employment opportunities are available to all persons.

Ref: Racial Profiling Video Audit 2016

Date: 1-23-2017

After conducting random viewing of in-car video's from various patrol deputies vehicles during the calendar year 2016, at no time did I observe any type of conduct that would indicate to me that deputies within the Lamb County Sheriff's Office are involved in any form of racial profiling. During the calendar of 2016, I received no citizen complaints on any deputy within the L.C.S.O. for racial profiling or. any other type of unprofessional conduct. After reviewing the in-car video's it is my opinion the deputies who are employed by the L.C.S.O. conducted themselves in a truly professional-manner at all times when in contact with the general public.

Racial Profiling Policy

I. PURPOSE

The purpose of the policy is to reaffirm the Lamb County Sheriff's Office's Commitment to unbiased policing in all its encounters between officer's and 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

It is the policy of this office to police in a proactive manner and, to aggressively investigate suspected violations of law. Deputies shall actively enforce state and federal laws in a responsible and professional manner, without regard to race, ethnicity or national origin. Deputies are strictly prohibited from engaging in racial profiling as defined in this policy. This policy shall be applicable to all persons, whether drivers, passengers or pedestrians.

Deputies shall conduct themselves in a dignified and respectful manner at all times when dealing with the public. Two of the fundamental rights guaranteed by both the United States and Texas constitutions are equal protection under the law and freedom from unreasonable searches and seizures by government agents. The right of all persons to be treated equally and to be free from unreasonable searches and seizures must be respected. Racial profiling is an unacceptable patrol tactic and will not be condoned.

This policy shall not preclude deputies from offering assistance, such as upon observing a substance leaking from a vehicle, a flat tire, or someone who appears to be ill, lost or confused. Nor does this policy prohibit stopping someone suspected of a crime based upon observed actions and/or information received about the person.

III. DEFINITIONS

Racial Profiling- 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.

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 or other citizen contact

The prohibition against racial profiling does not preclude the use of race, ethnicity or national origin as factors in a detention decision. Race, ethnicity or national origin may be legitimate factors in a detention decision when used as part of an actual description of a specific suspect for whom an officer is searching. Detaining an individual and conducting an inquiry into that person's activities simply because of that individual's race, ethnicity or national origin is racial profiling. 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 because of the cited driver's race, ethnicity or national origin.
2. Detaining the driver of a vehicle 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. Detaining an individual based upon the determination that a person of that race, ethnicity or national origin does not belong in a specific part of town or a specific place.

A law enforcement agency can derive at two principles from the adoption of this definition of racial profiling:

1. Law enforcement may not use racial or ethnic stereotypes as factors in selecting whom to stop and search, while Deputies may use race in conjunction with other known factors of the suspect.

2. Law enforcement officers may not use racial or ethnic stereotypes as factors in selecting whom to stop and search. Racial profiling is not relevant as it pertains to witnesses, etc.

Race or Ethnicity- Of a particular decent, including Caucasian, African, Hispanic, Asian, or Native American.

Pedestrian Stop- 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.

Traffic Stop- A peace officer that stops a motor vehicle for an alleged violation of a law or ordinance regulating traffic

IV. CITATION DATA COLLECTION & REPORTING

Deputies are required to collect information relating to traffic stops in which a citation or warning is issued. On the citation deputies must include:

1. the violators race or ethnicity;
2. whether a search was conducted;
3. was the search consensual; and
4. arrest for this cited violation or any other violation.

By March of each year, the Lamb County Sheriff's Office shall submit a report to their governing board that includes the information gathered by the citations. The report will include:

1. a breakdown of citations by race or ethnicity;
2. number of citations that resulted in a search;

3. number of searches that were consensual; and
4. number of citations that resulted in custodial arrest for this cited violation or any other violation.

Not later than March 1st of each year, this office shall submit a report to our governing body containing this information from the preceding year

Video Policy

LAMB COUNTY SHERIFF'S OFFICE

POLICY AND PROCEDURE

PURPOSE: The mobile video recording system is designed to provide an audio/video recording of events as they happen. For law enforcement purposes, this system has the capability to:

1. Provide accurate documentation of events, action, conditions, and statements made during arrests, and critical incidents.
2. Enhance officer safety, the reporting and collection of evidence, and court testimony.
3. Enhance the department's ability to review probable cause for arrest, arrest procedures, officer and suspect interaction, and investigative evidence.
4. Provide a method of acquiring excellent training material.

DEFINITIONS:

1. Uniformed personnel: those assigned to the patrol division.
2. Non uniformed personnel: those assigned to the investigation division.

POLICY: It is the policy of the Lamb County Sheriff's Office that audio and video equipment be used during each event involving contact between sworn uniformed personnel and the public, where law enforcement issues are involved.

PROCEDURES

1. Officers shall adhere to the following procedures when utilizing mobile video recording (MVR) equipment.
 - a. MVR equipment installed in a vehicle is part of the vehicle package and is the responsibility of the officer assigned to that vehicle and will not be removed from the vehicle without approval of the Sheriff or his designate. Authorized personnel as designated by the department will only do installation and removal of MVR equipment. MVR equipment will be maintained according to manufacturer's recommendations.
 - b. Start with a new tape at the beginning of his or her shift each Monday of the week.
 - c. Prior to each shift the MVR will be made ready, and the microphone will be placed on the officer's person.
 - d. Prior to each shift, officers shall determine whether the MVR equipment is working satisfactorily. Any problems shall be brought to the attention of their supervisor.
 - e. The MVR system must be in the record mode during any citizen contact or emergency run until said contact has been completed. This shall include but not be limited to transporting suspects or prisoners, citizens as a courtesy escort, domestic disturbances, assisting other agencies, civil standbys, party calls, or cattle calls.
 - f. Officers should ensure that the video camera is properly positioned and adjusted to record events.
 - g. Officers shall not intentionally tamper with or in any manner alter MVR tapes or equipment.
 - h. Officers should ensure that they are equipped with an adequate supply of videotapes to complete their tour of duty.
 - i. Each officer will have the key for the MVR equipment in his vehicle. All completed tapes shall be properly labeled and identified prior to being submitted as evidence.
 - j. Officers shall only use videotapes that are approved and issued by the department.

TAPE CONTROL AND MANAGEMENT:

1. MVR tapes containing information that may be of value for case prosecution or any criminal or civil proceedings shall be safeguarded as other forms of evidence. As such, these videotapes will:
 - a. Be subject to the same security and chain of evidence safeguards.
 - b. Shall not be released to any other criminal justice agency (except for trail purposes) without having a duplicate copy made and the original returned to evidence storage.
 - c. Shall not be released to any criminal justice agencies, media or any other person without approval of the Sheriff.
 - d. Shall not be played or the contents discussed with any unauthorized person or persons without the approval of the Sheriff.
2. Tapes not scheduled for court proceedings or other department use shall be maintained for a minimum of 90 days.
3. No videotape shall be reissued for operational use unless it has first been completely erased. Erasure will be done only by use of a department supplied electromagnetic eraser.

RESPONSIBILITIES:

The Sheriff or his designee shall:

1. Ensure all officers follow established policy and procedures for the use and maintenance of MVR equipment, handling of video/audio recordings, and the completion of MVR documentation.
2. Issue blank tapes, microphones and batteries as needed by officers.
3. Ensure damaged or non-functional MVR equipment is reported for repairs.
4. Randomly review tapes and recordings of each officer at least every 90 days, to assist in identifying possible profiling by officers, and document the same.
5. Randomly review tapes and recordings to assist in periodic assessment of officer performance, determine whether MVR Equipment is being fully and properly used, and identify material that may be appropriate for use in training.

6. Erase all tapes before they are reissued using department supplied electromagnetic eraser.
7. Make sure that officers who have reported their MVR is not functioning properly is issued another vehicle that has a properly functioning MVR.

Criminal Investigator shall:

1. Log tapes that have been turned in as evidence.
2. Copy tapes that will be used for criminal prosecutions and submit the copy to the court with the case file.

Filing a Complaint with The Lamb County Sheriff's Office.

*The following information has been disseminated to the public as part of an educational campaign aimed at informing community members of the complaint process relevant to violations of the Texas Racial Profiling Law.

UNDERSTANDING THE PROCESS

Once an individual has filed a complaint regarding racial profiling, he/she should expect the following process to commence:

THE INTERVIEW

A Deputy Sheriff (rank of investigator or higher) will interview the individual filing the complaint. The Deputy will ask the alleged victim questions about what happened. It is possible that the Deputy may be able to explain the Deputies actions to your satisfaction.

- Usually, the alleged victim will be interviewed at the Sheriff's Office. It is possible that he/she may be videotaped during the interview.
 - The individual filing the complaint may bring a lawyer, family member or friend to the interview.
 - The Deputy Sheriff will ask the individual filing a complaint for the names of witnesses and other police officers that may know facts about the complaint.
 - A Deputy Sheriff photographer may take pictures of any injuries that the alleged victim think are related to the complaint.
 - Texas State Law requires that complaints involving police officers be in writing and signed by the person making the complaint.
-

THE INVESTIGATION

After the interview, the Lamb County Sheriff's Office will investigate the alleged misconduct. Investigators will talk to witnesses and visit the site of the incident.

- The investigators will consist of Deputy Sheriff's assigned by the Sheriff.
- All officers will be interviewed and witnesses whom the alleged victim has named will be contacted and interviewed, if they agree.
- The alleged victim will receive a letter regarding the progress of the investigation. Although it is impossible to estimate how long the investigation will take, the alleged victim will receive periodic reports on its status.
- A report will then be prepared.

THE REVIEW PROCESS

The Sheriff reviews every complaint after the investigation is completed and a report is written.

- If the complaint includes excessive force or charges a Deputy with a crime, the case will be forwarded to the Texas Department of Public Safety Texas Rangers Section for Investigation.
 - The assigned Ranger will review your complaint, statements from all witnesses and reports from the investigation. The assigned Ranger may ask for additional information before making its recommendations to the Sheriff.
 - The results of investigations that suggest there are no charges that the Deputy Sheriff used excessive force or committed a crime are also reviewed by the Sheriff.
 - The Sheriff reviews investigations and makes the final decision on all complaints.
-

THE FINDINGS

The results of your complaint are called "findings". There are four possible findings:

- **Sustained** - The complaint has been supported: The Deputy(s) involved acted improperly and may be disciplined.
- **Unfounded** - The investigation found no basis to the complaint filed.
- **Exonerated** - The Deputy(s) involved acted properly and will not be disciplined;
or
- **Not provable** - There was not enough evidence to prove the complaint true or false so no further action will be taken.

The Sheriff will decide on a finding after the complaint has been reviewed. Further, the Sheriff will inform the alleged victim through an official letter of the final decision.

Informing the Public on the Process of Filing a Complaint with The Lamb County Sheriff's Office

Educational Campaign:

Notices have been placed at the County Courthouse, and the Sheriff's Office outlining the policy(s) and procedures of the Lamb County Sheriff's Office in regards to racial profiling. Also at least once a year a report is supplied to the local news papers for circulation on the yearly findings.

A COMMITMENT TO RESPOND TO THE NEEDS OF THE COMMUNITY

The Lamb County Sheriff's Office has made a commitment to its citizens regarding the following:

1. The department shall accept complaints from any person who believes he or she has been stopped or searched based on racial, ethnic or national origin profiling. No person shall be discouraged, intimidated or coerced from filing a complaint, nor discriminated against because he or she filed such a complaint.
2. Any employee who receives an allegation of racial profiling, including the officer who initiated the stop, shall record the person's name, address and telephone number, and forward the complaint through the appropriate channel or direct the individual(s). Any employee contacted shall provide to that person a copy of a complaint form or the department process for filing a complaint. All employees will report any allegation of racial profiling to their superior before the end of their shift.
3. Investigation of a complaint shall be conducted in a thorough and timely manner. All complaints will be acknowledged in writing to the initiator who will receive disposition regarding said complaint within a reasonable period of time. The investigation shall be reduced to writing and any reviewer's comments or conclusions shall be filed with the Sheriff. When applicable, findings and/or suggestions for disciplinary action, retraining, or changes in policy shall be filed with the Sheriff.
4. If a racial profiling complaint is sustained against an officer, it will result in appropriate corrective and/or disciplinary action, up to and including termination.
5. If there is a departmental video or audio recording of the events upon which a complaint of racial profiling is based, upon commencement of an investigation by this Office into the complaint and written request of the officer made the subject of the complaint, this Office shall promptly provide a copy of the recording to that officer.

Training

In compliance with the Texas Racial Profiling Law, the Lamb County Sheriff's Office has asked that all its deputies adhere to all Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) training.

All deputies from the Lamb County Sheriff's Office are to complete all required TCLEOSE training and education program on racial profiling.

Lamb County Sheriff's Office

| | Arrested? | Citation? | Both? |
|------------|------------------|------------------|--------------|
| Sum | 2 | 56 | 3 |
| <hr/> | | | |
| Sub Totals | 2 | 56 | 3 |
| <hr/> | | | |

Total Number of Contacts - 61

Lamb County Sheriff's Office

| Race | Gender | Number | |
|--------------------|-------------------|----------|-------|
| African | Female | | |
| | Gender Sum | 2 | |
| | Gender Percentage | 3.28% | |
| | Male | | |
| | Gender Sum | 2 | |
| | Gender Percentage | 3.28% | |
| Sum of Race | | 4 | |
| Percentage of Race | | | 6.56% |

| | | | | |
|--------------|--------------------|-------|----------|-------|
| Asian | Male | | | |
| | Gender Sum | 1 | | |
| | Gender Percentage | 1.64% | | |
| | Sum of Race | | 1 | |
| | Percentage of Race | | | 1.64% |

| | | | | |
|------------------|--------------------|--------|-----------|--------|
| Caucasian | Female | | | |
| | Gender Sum | 7 | | |
| | Gender Percentage | 11.48% | | |
| | Male | | | |
| | Gender Sum | 22 | | |
| | Gender Percentage | 36.07% | | |
| | Sum of Race | | 29 | |
| | Percentage of Race | | | 47.54% |

| | | | |
|-----------------|-------------------|--------|--|
| Hispanic | Female | | |
| | Gender Sum | 9 | |
| | Gender Percentage | 14.75% | |
| | Male | | |
| | Gender Sum | | |

| Rate | Gender | Number |
|------|--------------------|-----------|
| | Gender Sum | 18 |
| | Gender Percentage | 29.51 |
| | Sum of Race | 27 |
| | Percentage of Race | 44.26% |

Total Number of Contacts **61**

Lamb County Sheriff's Office

Top Number = Race Unknown Prior to Stop

Lower Number = Race Was Known Prior to Stop

Total : 58
Percentage 95.08%

Total : 3
Percentage 4.92%

Grand Total of Contacts 61

Lamb County Sheriff's Office

| | Searched? | Consensual | Non-Consensual |
|-----------------------------------|------------------|-------------------|-----------------------|
| Total Number of Searches - | 15 | 10 | 4 |
| | | Percentage 66.67% | 26.67% |

Total Number of Contacts - 61

Community Partnerships

Although the Lamb County Sheriff's Office has always enjoyed the support of the community, since January 1, 2002, it has made extraordinary efforts to reach out to community leaders. This effort has been well received by the Lamb County community; particularly, members of the minority community.

The Lamb County Sheriff's Office, through its Public Information, has kept the public informed of the traffic contact data collection effort. Further, it plans to present the data analyzed, on or before March 1, 2017, to members of County Commissioners Court, as well as file a report with T.C.L.E.O.S.E for public viewing. This will be done in an effort to keep community leaders informed on the current practices of the LCSO.

Analysis

The data presented in this report contains valuable information regarding Deputy contacts with the public between 1/1/2016 and 12/31/2016. Despite its value, the raw data does not present much information relevant to racial profiling trends.

Thus, it is felt that further analysis of the data is warranted. As such, data was obtained through the South Plains Association of Government (SPAG). The data obtained from SPAG included the race and gender of persons in Lamb County during the 2010 Census.

When comparing the County residents who came in contact with the Lamb County Sheriff's Office during 2016 with those who, according to SPAG, were residents of the County during their most recent demographics profile, the data produced interesting findings. That is, the number of deputy contacts with White drivers, when compared to the number of White county residents, which were approximately 40.6%, demonstrated that the number of white residence citations with the deputies were 47.54%.

In addition, when analyzing, in the same manner, the data relevant to individuals of African descent, That is, the number of deputy citations with African American drivers, when compared to the number of African American county residents, which were approximately 5.1%, demonstrated that the number of African American residence contacts with the deputies were 6.56%.

In addition, when analyzing, in the same manner, the data relevant to individuals of Hispanic descent, That is, the number of deputy citations with Hispanic drivers, when compared to the number of Hispanic county residents, which were approximately 53.8%, demonstrated that the number of Hispanic residence contacts with the deputies were 44.26%.

In addition, when analyzing, in the same manner, the data relevant to individuals of Asian descent, That is, the number of deputy contacts with Asian drivers, when compared to the number of Asian county residents, which were approximately 0.3%, demonstrated that the number of Asian residence contacts with the deputies were 1.64%.

When analyzing the data, it is clear that no indication of racial profiling exists within the Lamb County Sheriff's Office.

Summary Statement

The findings suggest that the Lamb County Sheriff's does not currently experience a problem regarding racial profiling practices. This is supported by the fact that it has not received complaints from community members regarding officers misconduct associated with racial profiling practices.

The continuing effort to collect police contact data will assure an on-going evaluation of the Lamb County Sheriff's Office practices. Thus, allowing for the citizens of the Lamb County community to benefit from professional and courteous service from their Sheriff's Office.

Recommendations

Based on the findings introduced in this report, the Sheriff, along with command staff, have agreed to adopt the following measures aimed at addressing potential racial profiling problems:

- Provide further racial sensitivity training to its police personnel as required by law
- Disseminate information to all deputies regarding the guidelines of behavior acceptable under the newly adopted Texas Racial Profiling Law
- Keep County Commissioners and other County officials informed of measures being implemented at the Lamb County Sheriff's Office.