CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM

DEPARTMENT: Police

AGENDA DATE: February 28, 2012

CONTACT PERSON NAME AND PHONE NUMBER: Assistant Chief Robert Feidner / 564-7301

DISTRICT(S) AFFECTED: All

SUBJECT:

Discussion and action regarding the presentation of the 2011 annual report of the El Paso Police Department's Contact Data (Racial Profiling) Annual report pertaining to their analysis of the race and ethnicity information collected in conjunction with traffic stops, as required by Articles 2.132, Code of Criminal Procedure.

BACKGROUND / DISCUSSION:

Articles 2.132 and 2.134 of the Texas Code of Criminal Procedure require City Council review of the contact data for the period of January 1, 2011 through December 31, 2011.

PRIOR COUNCIL ACTION:

On February 16, 2011 the 2010 report was reviewed by City Council. Yearly reviews by City Council as required by statute have been conducted since 2003.

AMOUNT AND SOURCE OF FUNDING:
How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?

N/A

BOARD / COMMISSION ACTION:

N/A

CITY CLERK DEPT.
2012 FEB 16 AM 10:53

**********REQUIRED AUTHORIZATION**********

DEPARTMENT HEAD: Gregory K. Allen

(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

Information copy to appropriate Deputy City Manager

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor and City Council review and accept the El Paso Police Department's Contact Data (Racial Profiling) Annual Report covering the period of January 1, 2011 through December 31, 2011.

ADOPTED this 28st day of February, 2012.

CITY OF EL PASO

_____
John Cook
Mayor

ATTEST:

_____
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

Elaine S. Hengen
Senior Assistant City Attorney

APPROVED AS TO CONTENT:

Gregory K. Allen
Chief of Police

CITY CLERK DEPT.
2012 FEB 16 AM 10: 53

#36948v2

EL PASO
POLICE DEPARTMENT

2011

RACIAL PROFILING ANALYSIS

PREPARED BY:

Eric J. Fritsch, Ph.D.
Chad R. Trulson, Ph.D.
University of North Texas

PDI Professional Development Institute
University of North Texas

Executive Summary

Article 2.132 (7) of the Texas Code of Criminal Procedure requires the annual reporting to the local governing body of data collected on the race or ethnicity of individuals stopped and issued citations or arrested for traffic violations and whether or not those individuals were searched. Since the law provides no clear instruction to a governing body on how to review such data, the El Paso Police Department requested this analysis and review to assist the City Council in reviewing the data.

The analysis of material and data from the El Paso Police Department revealed the following:

- A COMPREHENSIVE REVIEW OF THE EL PASO POLICE DEPARTMENT REGULATIONS, SPECIFICALLY EL PASO POLICE DEPARTMENT OPERATIONAL POLICY 3-202.01-3-202.02 OUTLINING THE DEPARTMENT'S POLICY CONCERNING RACIAL PROFILING, AND RULE NO. 27 STATEMENT ON ADHERENCE TO LAW ENFORCEMENT CODE OF ETHICS, SHOWS THAT THE EL PASO POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH ARTICLE 2.132 OF THE TEXAS CODE OF CRIMINAL PROCEDURE.

- A REVIEW OF THE INFORMATION PRESENTED AND SUPPORTING DOCUMENTATION REVEALS THAT THE EL PASO POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH TEXAS LAW ON TRAINING AND EDUCATION REGARDING RACIAL PROFILING.

- A REVIEW OF THE DOCUMENTATION PRODUCED BY THE DEPARTMENT IN BOTH PRINT AND ELECTRONIC FORM REVEALS THAT THE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW ON THE RACIAL PROFILING COMPLAINT PROCESS AND PUBLIC EDUCATION ABOUT THE COMPLAINT PROCESS.

- ANALYSIS OF THE DATA REVEALS THAT THE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW ON THE COLLECTION OF RACIAL PROFILING DATA.

- THE ANALYSIS OF STATISTICAL INFORMATION FROM EL PASO POLICE DEPARTMENT REVEALS THAT THERE ARE NO METHODOLOGICALLY CONCLUSIVE INDICATIONS OF SYSTEMIC RACIAL PROFILING BY THE DEPARTMENT.

- THE EL PASO POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW CONCERNING THE PROHIBITION OF RACIAL PROFILING.

- THE EL PASO POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW CONCERNING THE REPORTING OF INFORMATION TO TCLEOSE.

Introduction

This report details an analysis of the El Paso Police Department's policies, training, and statistical information on racial profiling for the year 2011. This report has been prepared to specifically comply with Article 2.132 of the Texas Code of Criminal Procedure (CCP) regarding the compilation and analysis of racial profiling data. Specifically, the analysis will address Articles 2.131 – 2.135 of the CCP and make a determination of the level of compliance with those articles by the El Paso Police Department in 2011. The full copies of the applicable laws and regulations pertaining to this report are contained in Appendix A.

This report is divided into six analytical sections: El Paso Police Department's policy on racial profiling; El Paso Police Department's training and education on racial profiling; El Paso Police Department's complaint process and public education on racial profiling; analysis of statistical data on racial profiling; analysis of El Paso Police Department's compliance with applicable laws on racial profiling; and a final section which includes completed data and information reporting forms required to be sent to TCLEOSE beginning in 2011.

For the purposes of this report and analysis, the following definition of racial profiling is used: 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 (Texas CCP Article 3.05).

El Paso Police Department Policy on Racial Profiling

A review of the documentation provided by the El Paso Police Department revealed that the department has adopted policies to be in compliance with Article 2.132 of the Texas CCP (see Appendix B). There are seven specific requirements mandated by Article 2.132 that a law enforcement agency must address. All seven are clearly covered in the documents provided by the El Paso Police Department. The regulations provide clear direction that any form of racial profiling is prohibited and that officers found engaging in inappropriate profiling may be disciplined up to and including termination. The regulations also provide a very clear statement of the agency's philosophy regarding equal treatment of all persons regardless of race, ethnicity, or social status. Appendix C lists the applicable statute and corresponding El Paso Police Department regulation.

A COMPREHENSIVE REVIEW OF EL PASO POLICE DEPARTMENT REGULATIONS SHOWS THAT THE EL PASO POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH ARTICLE 2.132 OF THE TEXAS CODE OF CRIMINAL PROCEDURE.

El Paso Police Department Training and Education on Racial Profiling

Texas Occupation Code § 1701.253 and § 1701.402 require that curriculum be established and training certificates issued on racial profiling for all Texas Peace officers. Information and documentation provided by the El Paso Police Department reveals that racial profiling training and certification has been received by all officers in the department.

A REVIEW OF THE INFORMATION PRESENTED AND SUPPORTING DOCUMENTATION REVEALS THAT THE EL PASO POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH TEXAS LAW ON TRAINING AND EDUCATION REGARDING RACIAL PROFILING.

El Paso Police Department Complaint Process and Public Education on Racial Profiling

Article 2.132 §(b)3-4 of the Texas Code of Criminal Procedure requires that law enforcement agencies implement a complaint process on racial profiling and that the agency provide public education on the complaint process. The El Paso Police Department complaint website (http://www.ci.el-paso.tx.us/police/complaint.asp), the link to an official affidavit form and other information for filing a complaint (www.elpasotexas.gov/police/internalaffairs.asp), in addition to informational brochures printed in English and Spanish, provides extensive information to citizens interested in filing a complaint, including those related to racial profiling (see Appendix D).

A REVIEW OF THE DOCUMENTATION PRODUCED BY THE DEPARTMENT IN BOTH PRINT AND ELECTRONIC FORM REVEALS THAT THE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW ON THE RACIAL PROFILING COMPLAINT PROCESS AND PUBLIC EDUCATION ABOUT THE COMPLAINT PROCESS.

El Paso Police Department Statistical Data on Racial Profiling

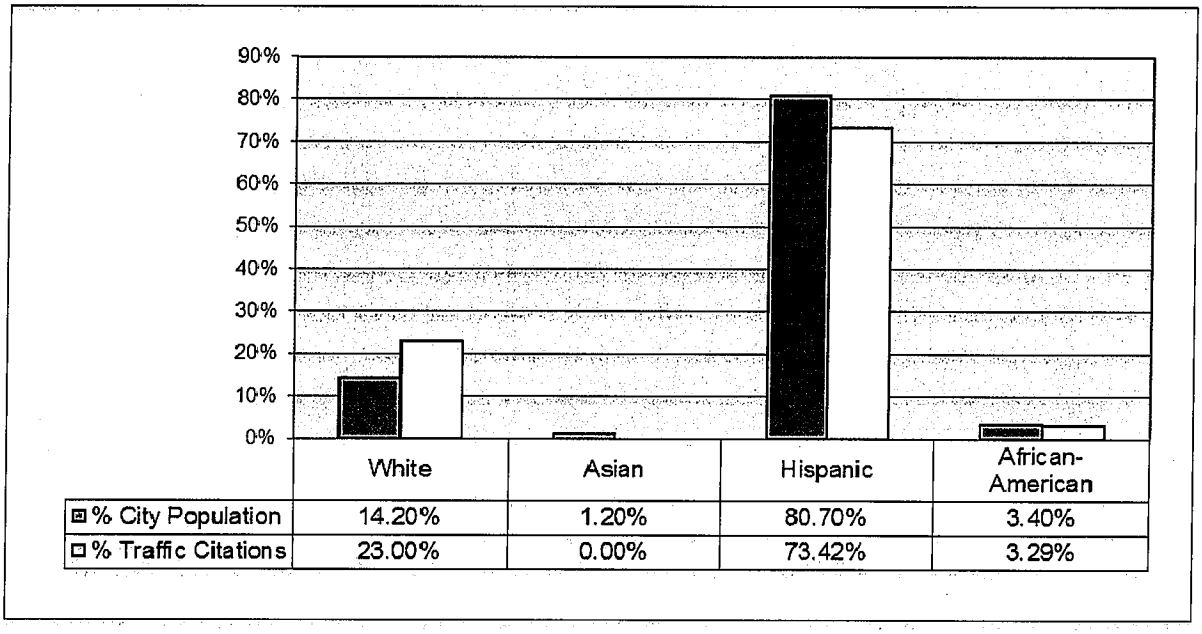
Article 2.132(b) 6 requires that law enforcement agencies collect statistical information on traffic stops resulting in citation with specific information on the race of the person cited. In addition, information concerning searches of persons and whether or not the search was based on consent is also required to be collected. The El Paso Police Department submitted statistical information on all traffic contacts in 2011 and accompanying information on the race of the person stopped. Accompanying this data was the relevant information on citations, searches, and arrests.

ANALYSIS OF THE DATA REVEALS THAT THE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW ON THE COLLECTION OF RACIAL PROFILING DATA.

Analysis of the Data

The first chart depicts the percentages of people stopped by race (Native American and "other" racial/ethnic categories are not charted due to small population counts). In 2011, White drivers constituted 23 percent of all 67,523 drivers stopped, whereas Whites constituted 14.20 percent of the city population.[1] Asian drivers constituted less than 1 percent of all drivers stopped, whereas Asians constituted 1.20 percent of the city population. Hispanic drivers constituted 73.42 percent of all drivers stopped, whereas Hispanics constituted 80.70 percent of the city population. African-American drivers constituted 3.29 percent of all drivers stopped, whereas African-Americans constituted 3.40 percent of the city population.

[1] Population figures for the City of El Paso are derived from the US Census Bureau's 2010 Census.



	White	Asian	Hispanic	African-American
% City Population	14.20%	1.20%	80.70%	3.40%
% Traffic Citations	23.00%	0.00%	73.42%	3.29%

The chart shows that Whites are stopped at rates slightly higher than the percentage of Whites in the city population. African-Americans are stopped at rates slightly lower than the percentage of African-Americans in the city population. Hispanics are stopped at rates that are lower than the percentage of Hispanics in the city population, as are Asians.

The chart shows a slight degree of disparity in the rates at which white drivers are stopped, however, easy determinations regarding whether or not El Paso officers have racially profiled a given motorist are impossible given the nature of the data that has been collected and presented for this report. The law dictates that police agencies compile aggregate-level data regarding the *rates* at which agencies *collectively* stop motorists in terms of their race/ethnicity. These aggregated data are to be subsequently analyzed in order to determine whether or not *individual* officers are racially profiling motorists.

This methodological error, commonly referred to as the "ecological fallacy," defines the dangers involved in making assertions about individual officer decisions based on the examination of aggregate level data. In short, one cannot "prove" that an *individual* officer has racially profiled any *individual* motorist based on the rate at which a department stops any given *group* of motorists. This kind of determination necessarily requires an examination of data at the individual officer level and a more detailed analysis of individual officer decision-making. Unfortunately, the law does not currently require the collection of this type of data, resulting in a considerable amount of conjecture as to the substantive meaning of aggregate level disparities when they do occur.

Additional interpretation problems remain in regards to the specific measurement of racial profiling as defined by Texas state code. For example, officers are currently forced to make subjective determinations regarding an individual's race based on his or her personal observations because the Texas Department of Public Safety does not provide an objectively-based determination of an individual's race/ethnicity on the Texas driver's license. The absence of any verifiable race/ethnicity data on the driver's license is especially troubling given the large

numbers of citizens who are of Hispanic and/or mixed racial descent in El Paso. The validity of any racial/ethnic disparities discovered in the aggregate level data becomes threatened in direct proportion to the number of subjective "guesses" officers are forced to make when trying to determine an individual's racial/ethnic background.

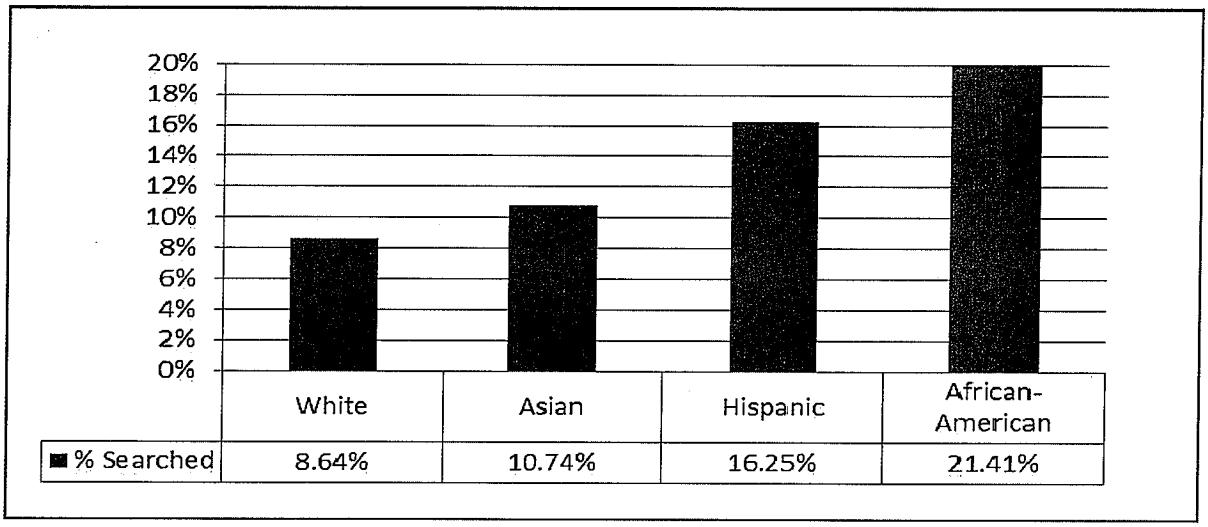
In addition, the data collected for the current report does not allow for an analysis that separates (or disaggregates) the discretionary decisions of officers to stop a motorist from those that are largely non-discretionary. For example, non-discretionary stops of motorists based on the discovery of outstanding warrants should not be analyzed in terms of whether or not profiling has occurred simply because the officer who has stopped a motorist as a result of the discovery of an outstanding warrant does not *independently* make the decision to stop, but rather, is required to stop that individual regardless of any determination of race. An officer cannot be determined to be racially profiling when organizational rules and state codes compel them to stop regardless of an individual's race/ethnicity. Straightforward aggregate comparisons of stop and/or citation rates ignore these realities, and fail to distinguish between discretionary and non-discretionary law enforcement actions. In the future, this validity issue could be lessened by the collection of data indicating the initial reason for the traffic stop, whether it be an observed traffic violation, other criminal activity, the existence of an outstanding warrant, or some other reason.

Finally, there has been considerable debate as to what the most appropriate population "base-rate" is in determining whether or not racial/ethnic disparities exist. Questions concerning the most appropriate base-rate are most problematic in the case of traffic stops, because there are problems associated with using any number of different population measures to determine whether or not aggregate level racial disparities exist. The determination of valid stop base-rates becomes multiplied if analyses fail to distinguish between residents and non-residents who are stopped, because the existence of significant proportions of non-resident stops will lead to invalid conclusions if racial/ethnic comparisons are made exclusively to resident population figures. In short, the methodological problems outlined above point to the limited utility of using aggregate level comparisons of the rates at which different racial/ethnic groups are stopped in order to determine whether or not racial profiling exists within a given jurisdiction.

The table below reports the summaries for the total number of persons cited, searched, and/or arrested by the El Paso Police Department subsequent to a traffic stop. Specific to searches, the table shows that White drivers accounted for 13.57 percent of all searches (1,342/9,888), Hispanic drivers accounted for roughly 81 percent of all searches (8,054/9,888), and African-American drivers accounted for 4.80 percent of all searches (475/9,888).

Action	White	Asian	Hispanic	African-American	Native Amer./Other	Total
Vehicle Stops	15,530	121	49,575	2,219	78	67,523
Citations	14,389	109	42,241	1,799	77	58,615
Custody Arrests	678	7	4,557	285	0	5,527
Citation/Arrest	463	5	2,777	135	1	3,381
Searches	1,342	13	8,054	475	4	9,888
Consent Searches	1,239	12	7,493	440	3	9,187

The bar chart below presents the percentage of drivers who were searched within each racial category. The chart indicates that drivers who were cited were rarely searched across the racial categories. The vast majority of cited drivers were not searched at all. Out of the 67,523 stopped drivers, only 9,888 were searched (14.64%). Furthermore, only 8.64 percent of all White drivers who were stopped were searched (1,342/15,530), 10.74 percent of all Asian drivers who were stopped were searched, 16.25 percent of all Hispanic drivers who were stopped were searched, and 21.41percent of all African-American drivers who were stopped were searched.



It should be noted that aggregate level comparisons regarding the rates at which drivers are searched by police are subject to some of the same methodological issues as those outlined above regarding analyses of aggregate level stop rates. Of particular concern is the absence of any analyses that separates discretionary searches from non-discretionary searches. For example, searches that are conducted incident to an arrest or as part of a vehicle tow inventory should not be included in analyses designed to examine whether or not racial profiling has occurred because these types of searches are non-discretionary in that the officer is compelled by law or departmental guidelines to conduct the search irrespective of the race of the stopped driver.

Analysis of Racial Profiling Compliance by El Paso Police Department

The foregoing analysis shows that the El Paso Police Department is fully in compliance with all relevant Texas laws concerning racial profiling, including the existence of a formal policy prohibiting racial profiling by its officers, officer training and educational programs, a formalized complaint process, and the collection of data in compliance with the law. Data presented by the El Paso Police Department indicates that the department received a total of four (4) complaints where the citizen alleged that racial profiling had *occurred as a result of a traffic stop* in 2011. Two complaints are still under investigation and are awaiting disposition and the remaining two complaints were not sustained.

In addition to providing summary reports and analysis of the data collected by the El Paso Police Department in 2011, this report also included an extensive presentation of some of the limitations involved in the level of data collection currently required by law and the methodological problems associated with analyzing such data for the El Paso Police Department as well as police agencies across Texas. The El Paso Police Department should continue its educational and training efforts within the department on racial profiling. Finally, the department should conduct periodic evaluations to assess patterns of officer decision-making on traffic stops. The final section of this report includes newly required TCLEOSE reporting information by Texas law enforcement organizations.

El Paso Police Department TCLEOSE Reporting Forms

Partial Exemption Racial Profiling Reporting
(Tier 1)

Department Name	El Paso Police Department
Agency Number	141204
Chief Administrator Name	Gregory K. Allen
Reporting Name	El Paso Police Department
Contact Number	915-564-7320
E-mail Addess	policechief@eppd.org

Certification to Report 2.132 (Tier 1) – Partial Exemption

Policy Requirements (2.132(b) CCP):

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

(1) clearly define acts constituting racial profiling;

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

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

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

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

(6) require collection of information relating to motor vehicle stops in which a citation is issued and to arrests made as a result of those stops, including information relating to:

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

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

(C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and

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

(A) the 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.

These polices are in effect

x Gregory K. Allen 01/09/2012

Chief Administrator Date

Partial Exemption Racial Profiling Reporting
(Tier 1)

Video and Audio Equipment Exemption

Partial Exemption Claimed by (2.135(a) CCP):

☑ all cars regularly used for motor vehicle stops are equipped with video camera and transmitter-activated equipment and each motor stop is recorded and the recording of the stop is retained for at least 90 days after the stop.

OR

☐ In accordance with 2.135(a)(2) the agency has requested and not received funds to install the recording equipment

I claim this exemption

X Gregory K. Allen 01/09/2012

Chief Administrator Date

Partial Exemption Racial Profiling Reporting
(Tier 1)

(This is the TCLEOSE recommended form. The form is not mandatory. The information contained in this form, however, is mandatory. You may use your form, but all information must be provided.)

If you claim a partial exemption you must submit a report that contains the following data or use this format to report the data.

Instructions: Please fill out all boxes. If zero, use 0.

1. Total on lines 4, 11, 14, and 17 Must be equal
2. Total on line 20 Must equal line 15

Number of motor vehicle stops:

Mark only 1 category per vehicle stop

1. 58615 citation only
2. 5527 arrest only
3. 3381 both

4. 67523 **Total**

Race or Ethnicity:

5. 2219 African
6. 121 Asian
7. 15530 Caucasian
8. 49575 Hispanic
9. 45 Middle Eastern
10. 33 Native American

11. 67523 **Total**

Race or Ethnicity known prior to stop?

12. 1717 Yes
13. 65806 No

14. 67523 **Total**

Search conducted?

15. 9888 Yes
16. 57635 No

17. 67523 **Total**

Was search consented?

18. 9187 Yes
19. 701 No

20. 9888 **Total Must equal #15**

Partial Exemption Racial Profiling Reporting
(Tier 1)

Option to submit required data by utilizing agency report

You must submit your report in PDF format

Electronic Submission of data required by 2.132(b)(6) CCP

(6) require collection of information relating to motor vehicle stops in which a citation is issued and to arrests made as a result of those stops, including information relating to:

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

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

(C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and

This report meets the above requirements

X Gregory K. Allen 01/09/2012

Chief Administrator Date

Send entire documents electronically to this website

www.tcleose.state.tx.us

Appendix A
Racial Profiling Statutes

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.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 2, eff. Sept. 1, 2001.

Art. 2.131. RACIAL PROFILING PROHIBITED.

A peace officer may not engage in racial profiling.

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

Art. 2.132. LAW ENFORCEMENT POLICY ON RACIAL PROFILING.

(a) In this article:

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

(2) "Motor vehicle stop" means an occasion in which a peace officer stops a motor vehicle for an alleged violation of a law or ordinance.

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

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

(1) clearly define acts constituting racial profiling;

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

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

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

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

(6) require collection of information relating to motor vehicle stops in which a citation is issued and to arrests made as a result of those stops, including information relating to:

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

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

(C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and

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

(A) the 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.

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

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

(e) A report required under Subsection (b)(7) may not include identifying information about a peace officer who makes a motor vehicle stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the collection of information as required by a policy under Subsection (b)(6).

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

(g) On a finding by the 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.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.
Amended by: Acts 2009, 81st Leg., R.S., Ch. 1172, Sec. 25, eff. September 1, 2009.

Art. 2.133. REPORTS REQUIRED FOR MOTOR VEHICLE STOPS.

(a) In this article, "race or ethnicity" has the meaning assigned by Article 2.132(a).

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

(1) a physical description of any person operating the motor vehicle who is detained as a result of the stop, including:

(A) the person's gender; and

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

(2) the initial reason for the stop;

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

(4) whether any contraband or other evidence was discovered in the course of the search and a description of the contraband or evidence;

(5) the reason for the search, including whether:

(A) any contraband or other evidence was in plain view;

(B) any probable cause or reasonable suspicion existed to perform the search; or

(C) the search was performed as a result of the towing of the motor vehicle or the arrest of any person in the motor vehicle;

(6) whether the officer made an arrest as a result of the stop or the search, including a statement of whether the arrest was based on a violation of the Penal Code, a violation of a traffic law or ordinance, or an outstanding warrant and a statement of the offense charged;

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

(8) whether the officer issued a written warning or a citation as a result of the stop.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.
Amended by: Acts 2009, 81st Leg., R.S., Ch. 1172, Sec. 26, eff. September 1, 2009.

Art. 2.134. COMPILATION AND ANALYSIS OF INFORMATION COLLECTED.

(a) In this article:

(1) "Motor vehicle stop" has the meaning assigned by Article 2.132(a).

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

(b) A law enforcement agency shall compile and analyze the information contained in each report received by the agency under Article 2.133. Not later than March 1 of each year, each law enforcement agency shall submit a report containing the incident-based data compiled during the previous calendar year to the 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.

(c) A report required under Subsection (b) must be submitted by the chief administrator of the law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, and must include:

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

(A) evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities; and

(B) examine the disposition of motor vehicle stops made by officers employed by the agency, categorized according to the race or ethnicity of the affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction; and

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

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

(e) The 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.

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

(g) On a finding by the 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.

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

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

Art. 2.135. PARTIAL EXEMPTION FOR AGENCIES USING VIDEO AND AUDIO EQUIPMENT.

(a) A peace officer is exempt from the reporting requirement under Article 2.133 and the chief administrator of a law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, is exempt from the compilation, analysis, and reporting requirements under Article 2.134 if:

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

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

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

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

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

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

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

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.
Amended by: Acts 2009, 81st Leg., R.S., Ch. 1172, Sec. 28, eff. September 1, 2009.

Art. 2.136. LIABILITY.

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

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

Art. 2.137. 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).

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

Art. 2.138. RULES.

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

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

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.

Added by Acts 2009, 81st Leg., R.S., Ch. 1172, Sec. 29, eff. September 1, 2009.

Appendix B

EL PASO POLICE DEPARTMENT'S APPLICABLE GENERAL ORDER/PROCEDURES

Below are sections of the Police Department's Procedures Manual that are applicable to the racial profiling report:

MISSION STATEMENT

It is the mission of the El Paso Police Department to provide services with integrity and dedication, to preserve life, to enforce the law, and to work in partnership with the community to enhance the quality of life in the City of El Paso.

CORE VALUES

WE RESPECT LIFE . . .
We hold the preservation of life as our sacred duty. Our value of human life sets our priorities.

WE REVERE THE TRUTH . . .
We accept nothing less than truth, honesty and integrity in our profession.

WE ENFORCE THE LAW . . .
We recognize that our basic responsibility is to enforce the law. Our role is to resolve problems through the law, not to judge or punish.

WE SEEK COMMUNITY PARTNERSHIP . . .
We view the people of our community as partners who deserve our concern, care and attention. We are committed to reducing the fear of crime in our community, and we endeavor to do this by creating partnerships in our neighborhoods.

WE HONOR OUR POLICE POWERS . . .
We understand that our police powers are derived from the people we serve. We do not tolerate the abuse of our police authority.

WE CONDUCT OURSELVES WITH DIGNITY . . .
We recognize that our personal conduct, both on and off duty, is inseparable from the professional reputation of both the Officer and the Department.

Volume: 1	General Department Policies
Chapter: 5	Effective: April 8, 1999

1-501. DISCRIMINATION. Employees have the right to a workplace free from discrimination, intimidation, retaliation and harassment from co-employees and supervisory personnel.

1-501.01 POLICY. It is the policy of the Police Department to maintain a working environment free of discrimination, harassment and intimidation and to foster the fair and respectful treatment of employees and the public. As protectors and defenders of the community, it is especially critical for Police Officers to exhibit an attitude of tolerance and respect toward all citizens and fellow employees.

A. Employees will treat one another and members of the public with respect at all times. Employees who participate in any kind of discrimination, harassment, retaliation, or intimidation of another employee or a member of the public will be subject to disciplinary action, which may include termination. This includes, but is not limited to, negative prejudicial remarks, offensive jokes, the promotion of stereotypes and ridicule based on personal characteristics, age, health, race, ethnicity, sex, or sexual orientation.

B. Employees who report any misconduct are not to be subjected to any form or kind of harassment, retaliation or intimidation by co-employees, their chain of command, or any supervisory personnel.

1-501.02 PROCEDURE. Employees are encouraged to notify a supervisor, any command officer, the Chief of Police, Personnel Director, or the City Attorney's Office to report instances of ridicule, intimidation, or discrimination.

A. Employees who feel they are the subject of harassment or intimidation as a result of reporting wrongdoing, may immediately bring their complaint to any supervisor within their chain of command, any command officer, the Chief of Police, Personnel Director or the City Attorney's Office.

B. Any supervisor who receives a report of such misconduct will immediately take appropriate action to investigate the allegation or have it investigated by the appropriate authorities. Supervisory personnel will enforce all policies and procedures. If misconduct is reported by one employee against another, supervisors will ensure that no harassment, retaliation or intimidation of the reporting employee occurs.

Volume: 3	Operational
Chapter: 2	Effective: April 8, 1999

3-202.01 RACIAL AND BIAS-BASED PROFILING. Officers shall be fair and equitable in deciding whether or not to make citizen contacts and take law enforcement actions. Racial and bias-based profiling are strictly prohibited.

For purposes of state-mandated data collection and reporting in respect to racial and bias-based profiling, the terms Caucasian, African, Asian, Hispanic, Native American, or Middle Eastern will be utilized.

A. Definitions.

1. **Bias-Based Profiling.** The selection of an individual for law enforcement contact or police action – including a stop, detention, search, issuance of citation, or arrest – based on a trait common to a group, including race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group characteristic, rather than on the individual's behavior or on information received identifying the individual as a criminal suspect or perpetrator.

2. **Racial Profiling.** A type of bias-based profiling wherein law enforcement decisions and actions are based on an individual's race, color, ethnicity, or national origin rather than on the individual's behavior or on information received identifying the individual as a criminal suspect or perpetrator.

B. Consideration of Group Traits in Law Enforcement Decisions. Generally, race, ethnicity, national origin and other group traits may be considered as factors in deciding law enforcement actions only when those characteristics are part of a description received of a specific suspect, perpetrator or witness for whom an officer is then searching.

C. Duration of a Stop and Detention. Officers must have at least reasonable suspicion of a person's traffic violation or criminal involvement before there is authority to stop and detain that individual. A person who has been lawfully stopped may be detained no longer than is reasonable to complete the business for which the subject is lawfully stopped. In the absence of new information creating reasonable suspicion of criminal involvement different than that justifying the stop initially, officers shall not extend the duration of a stop and detention beyond that required to straightforwardly complete its original business. In the event an officer detains a pedestrian or vehicle occupant and then seeks to question or search in regard to matters other than those for which the subject was stopped initially, the officer shall include in his or her reports the facts or circumstances that made it lawful and appropriate to diverge from the business of the initial stop in order to investigate other matters. *(Amended on 08-04-2006 C06-20)(Amended on 12/15/2010 C10-13)(Amended on 6-16-2011 C11-02)*

3-202.02 OFFICER-INITIATED REPORTING DATA. Whenever officers are engaging in law enforcement activities or taking police action and stop motor vehicles for an alleged violation of a law or ordinance and issue a citation or make an arrest, they will comply with the following requirements:
(Amended on 12/15/2010 C10-13)(Amended on 6-16-11 C11-02)

A. Information Required. The information required on the I-LEADS arrest module, and/or on a citation (both hard copy and e-ticket) will be completed for each person cited or arrested. In the event that several people are present when making a motor vehicle stop, information will be captured only for those who are cited or arrested. Officers making arrests and/or issuing citations will fill out the following fields:

1. Race or ethnicity of the individual detained as stated by the person detained, or, if the person does not state their race or ethnicity, as determined by the officer to the best of the officer's ability.

2. Whether or not the subject was arrested as a result of the motor vehicle stop?

3. Whether or not a citation was issued?

4. Whether or not a search was conducted?

5. Whether or not the search was a consent search?

6. Whether or not the person detained was a City of El Paso resident?
(Amended on 12/15/2010 C10-13)(Amended 6-16-2011 C11-02)(Amended 6-24-2011 C11-02A)

B. Reporting Requirements.

1. The information collected shall be compiled in an annual report covering the period January 1 through December 31 of each year, and shall be submitted by the Chief of Police or his designee to City Council and the Texas Commission on Law Enforcement Officer Standards and Education no later than March 1 of the following year.

2. The annual report shall not include identifying information about any individual stopped or arrested or about any peace officer involved in a stop or arrest.
(Amended 6-16-2011 C11-02)

C. Training.

1. The Academy will conduct annual training with sworn personnel on subjects that include, but are not limited to: profiling, cultural diversity, interaction with citizens, policy, ethics and related topics.

2. Training may be conducted through in-service, special courses, or roll-call training.

3. Participation in training will be documented and recorded in each officer's training record.

4. All officers will complete racial profiling training prior to the second anniversary of the date the officer is listed as a peace officer or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier.

D. Investigating Complaints.

1. In investigating a complaint alleging racial profiling, the Chief of Police shall seek to determine if the officer who is the subject of the complaint has 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 practices. A single act constituting racial profiling may not be considered a pattern of racial profiling, and shall not be grounds for corrective action.
2. Citizens may file complaints against any Officer at any Department facility or at the Internal Affairs (IAD) office. All complaints of racial profiling lodged against an officer will be investigated by the IAD office fairly and objectively to determine the validity of such complaints. Disciplinary or corrective action will be established in a timely and consistent manner in accordance with state laws, local ordinances and the City of El Paso's Civil Service Rules and Regulations.

E. Public Education

1. The Department, through its philosophy of Community Policing, will provide information to the general public regarding racial profiling policies and procedures, to include the complaint process, by actively addressing the issue in regular Regional Command community meetings, Citizen's Advisory board meetings, the mass media, and by routine officer/citizen contacts. *(Amended 04-05-06 C06-03)*

F. Video Policy. All Officers will follow established procedures for the use of in-car video recording equipment. *(Amended 06-04-2008 C08-18)*

3-202.03 PRIMARY UNIT. The patrol unit receiving the assignment from Dispatch is referred to as the "Primary Unit." When an incident occurs where units were not initially dispatched, the first responding unit is the "primary unit." The primary unit is generally responsible for completing necessary reports.

3-202.04 STOPS/FIELD INTERVIEWS. Stops are "seizures" under the Fourth Amendment. An Officer may stop and question a person when the Officer has **reasonable suspicion** that the person may be involved in past, present or future criminal activity. Reasonable suspicion is less than the probable cause that is needed for an arrest or search. *(Amended 01-24-2008 C08-06)*

A. Before an Officer stops a person for questioning, he or she must be aware of specific suspicious conduct or circumstances to justify that stop.

B. Officers should rely on their training and experience in analyzing a subject's suspicious conduct and must be able to articulate a reasonable suspicion for an

investigatory stop.

C. Officers may detain a person they lawfully stop for a reasonable length of time in an attempt to:

1. Verify the person's identification.
2. Account for the person's conduct.
3. Account for the person's presence.
4. Ascertain whether a crime occurred.
5. Ascertain the person's involvement.

D. An Officer must release a person from an investigative stop as soon as:

1. The Officer fulfills the purpose of the stop,

2. The person eliminates the Officer's reasonable suspicion of criminal involvement, or

3. The Officer fails to develop the probable cause necessary to arrest within a reasonable time.

3-202.05 FRISK. A frisk is a limited pat down search for the purposes of protection only. Officers may not use the frisk to conduct full scale searches of persons. Under appropriate circumstances, persons, their immediate surrounding areas, and the passenger compartments of a vehicle may be frisked.

A. An Officer may frisk a person who has been stopped when the Officer reasonably suspects that the person is concealing a weapon and that a frisk is necessary to protect the Officer or others.

B. A frisk may be conducted at any point during an investigation or detention when circumstances create a reasonable suspicion for the Officer to fear for his or her or another's safety.

C. An Officer who conducts a frisk must be prepared to articulate the specific factors leading to a reasonable suspicion that the Officer or others were in danger. These factors should be listed in the report.

D. Frisk Procedures.

1. Before beginning the frisk of a person, Officers should let the person know that they are going to conduct a frisk.

2. The Officer should begin the frisk of a person at the part of the person's outer clothing most likely to contain a weapon or dangerous instrument.

3. If the outer clothing is too bulky to allow the Officer to determine if a weapon is concealed underneath, outer clothing such as overcoat and jackets may be opened to allow a pat down on the inner clothing, such as shirts or trousers.

4. The Officer may also frisk or secure any unlocked areas within the detained person's reach or the passenger compartment of a vehicle that the person had been riding in if the Officer reasonably suspects that such areas might contain a weapon.

5. When practical, a male Officer should summon the assistance of a female Officer if it is necessary to frisk a female subject. The frisk will be conducted in a manner that is the least intrusive or offensive to the person.

6. Officers may remove objects located during a frisk which the Officer believes are weapons, a container that may hold a weapon, or objects that the Officer immediately recognizes as being contraband.

Volume: 3	**Traffic**
Chapter: 3	**Effective: April 8, 1999**

3-304. MOBILE VIDEO POLICY. It is the policy of the Department to utilize videotape and/or digital mobile video/audio recording equipment in police vehicles, both cars and motorcycles, to create a video and audio recording of events as they occur. Recordings assist in gathering evidence, enhancing officer safety, and protecting officers against false allegations of misconduct. *(Amended 06-04-2008 C08-18)*

3-304.01 OBJECTIVES. This agency has adopted the use of mobile videotape and digital recording to accomplish the following objectives:

A. Accurate documentation of events, actions, conditions, and statements made during arrests and critical incidents, so as to document officers' reports, collection of evidence and testimony in court; and

B. To enhance the department's ability to review arrest procedures, officer interaction with the public and suspects, and evidence for investigative purposes, as well as for officers' evaluations and training.

3-304.02 OPERATING PROCEDURES.

A. All recording equipment installed in police vehicles is the responsibility of the officers assigned to that police vehicle and will be operated according to the manufacturer's recommendations.

1. When assigned a police vehicle with a videotape or digital recording system, officers will ensure the system is in the on position and activated at the start of their tour of duty.

2. Officers will ensure the wireless microphone is activated and in working order.

3. With videotape systems, officers will log in with their name, ID number, date/time and district.

4. The digital recording systems do not require a login, but officers will ensure the correct date and time appear on screen.

5. Officers will update the screen and/or login information if necessary.

B. Officers, during the pre-shift inspection and at any other time during their tour of duty, will determine whether all components of the recording equipment are working satisfactorily and will bring any problems to the attention of their immediate supervisor who will determine if the vehicle will be utilized. Supervisors must be notified of any malfunctioning videotapes, flashcards, hard drives or system components in order to obtain a replacement or repair. Any noted malfunctions of video equipment must be documented on the officer's daily log sheet and on a vehicle gripe form in order to complete repairs.

C. Recording will automatically activate when the police vehicle's emergency lights are in operation. The equipment may be manually deactivated during non-emergency activities such as when performing traffic control at accident scenes.

1. Whenever equipment is manually deactivated, officers will document the reasons for this action on the recording prior to deactivation.

2. The wireless microphone will be activated to record the audio portion of the incident at all times when the unit is recording.

D. The officer is responsible for ensuring that equipment is in operating order to record traffic stops or other enforcement actions. In doing so they will ensure that:

1. The video recorder is positioned and adjusted to record events;

2. The recorder is not deactivated until the enforcement action is completed and the offender vehicle has pulled away.

3. The wireless microphone is activated in order to provide narration with the video recording to explain the reason for their current or planned enforcement action.

4. When a police vehicle equipped with recording equipment is used as back up for another police vehicle, the back up unit will be positioned in a manner that will allow the vehicle to record the incident whenever possible.

E. Officers will use the recording equipment to record:

1. All traffic stops.

2. When following a suspected DWI offender prior to conducting traffic stops. Officers will not follow DWI suspects longer than it is necessary to determine probable cause for a stop. The digital recording systems are programmed to capture 30 seconds of activity prior to the system being activated. In most instances this will capture the driving behavior or incident that precedes activation of emergency equipment. Officers will narrate into the microphone any activity they observe while stopping the suspected DWI suspect. Officers will make a reasonable effort to leave enough distance between the police vehicle and the suspect's vehicle to allow a clear recording of the entire vehicle and allow sufficient space to conduct field sobriety tests in front of the camera and allow for the suspect to be in full view of the camera.

3. Document crime scene and accident scenes or other circumstances at events such as the confiscation and documentation of evidence or contraband.

4. The actions of suspects during interviews, when undergoing sobriety checks, or when placing a suspect in custody.

5. When utilizing the code III response mode.

6. Any situation where the gathering of video evidence may be beneficial in the prosecution of a criminal case.

7. Any event where the officer feels that his or her safety is in jeopardy or where the use of force is known to be potentially necessary.

F. Officers **will not** turn off the Mobile Video Recorder for any reason:

1. During a traffic stop

2. While utilizing the code III response mode.

G. Officers will not erase, alter recordings, record over any incident, intentionally cause the unit to malfunction, make a duplicate copy of a recording, or in any way interfere with the recording system.

H. Officers are encouraged to inform their supervisor of any audio/video recording sequences that may be of value for training purposes.

I. Officers will note within the incident report when video/audio recordings were made.

J. Officers will only use recording media issued and approved by the department.

K. At no time will officers remove tapes, flash cards or hard drives from recording systems. Officers will not be permitted into the tape or hard drive storage areas for any reason. Officers are not permitted access to the storage server/computer system for digital recordings. When supervisors remove tapes identified as evidence or remove hard drives or flash cards for copying of a file for DVD evidence, the officer requesting the assistance will remain with the supervisor to maintain the chain of evidence. The supervisor will note on the appropriate log that a tape was turned in as evidence or a recording was captured and recorded on a DVD for evidence.

L. Officers will notify a supervisor and request a replacement tape, flash card or fresh hard drive when the system shows less than one hour of recording time remaining. Supervisors will replace the videotape or hard drive.

3-304.03 RECORDING CONTROL AND MANAGEMENT.

A. All videotapes containing information that may be of value for administrative investigations, case prosecution or in any criminal or civil adversarial proceeding will be safeguarded. Recordings authorized by Legal for release to another criminal justice agency will be copied to a DVD or VHS tape provided by the requesting agency and the original recording will remain stored for the required time period as set out in this policy.

B. Recordings on video tapes not scheduled for court or complaint proceedings shall be maintained for 90 days at the Regional Commands/Section and will be taken to the Photo Lab for copying as necessary. Copying machines will be located at the Photo Lab and at the Internal Affairs Division. Recordings on hard drives and flash cards will be maintained for 90 days. Digital files that need to be copied for evidence or administrative case purposes will be copied to a DVD by a supervisor. All tapes, flash cards and hard drives shall be maintained in a manner that allows efficient identification and retrieval.

C. If any complaint is filed with the department with respect to an incident appearing on a recording, including alleged racial profiling, the department shall retain a copy of the videotape or DVD copy of the digital recording until final disposition of the complaint including any claim or lawsuit filed against the City.

D. Upon receipt of a request from Internal Affairs or other Departmental section for a copy of a videotape, flash card or a digital file, supervisors will coordinate with the requestor to provide the materials requested.

E. On written request by an officer to the Internal Affairs Division, IAD shall provide that officer with a copy of the recording (videotape or digital DVD) in which a racial profiling complaint has been filed. IAD will keep documentation regarding the release of the recording to the officer and will notify the Chief of Police of the request.

F. No videotapes, flash cards or hard drives shall be re-issued for operational use unless completely erased by designated personnel of the department in accordance with retention schedules.

G. For videotape systems, a sufficient number of tapes will be kept in reserve for tape exchanges at least weekly on Monday's day shift; however, for units who are typically off on Monday, the next working day, or more often as needed and/or to accommodate replacement of tapes turned in as evidence.

H. Each police vehicle with a digital system will have four hard drives designated. The hard drives will be exchanged on the first of every month. Hard drives with recordings will be properly stored for the designated time period.

I. Each motor unit with a digital system will have three designated flash cards. The flash cards will be exchanged at least weekly on Monday's day shift or for units who are typically off on Monday, the next working day. The video from the flash cards will be downloaded to the external hard drive. The external hard drive with recording will be properly stored for the designated time period.

3-304.04 SUPERVISORY RESPONSIBILITY. Only supervisory personnel will have access to keys to the recording equipment, videotapes, hard drives, flash cards and the computer/software used for downloading, copying or storage of digital recordings. Supervisors will change the tape, flash card or hard drive at intervals set by this policy. The tapes, flash cards, external hard drives will be changed as needed for evidentiary reasons. Upon removing a videotape, flash card or hard drive for replacement, evidence retrieval, or administrative purposes, the supervisor will complete the appropriate log and document the reason for removal. Any time a digital recording is needed from a flash card or hard drive for evidence or an administrative case, the needed file will be copied to a DVD by a supervisor. If for evidence, supervisors will copy the file with the requesting officer present and will provide the DVD copy to the officer. Any time a video tape recording is needed for evidence or an administrative case, the supervisor will retrieve the video tape. If for evidence, the supervisor will retrieve the videotape with the requesting officer present and will provide the videotape to the officer. Supervisors will ensure that:

A. All officers follow established procedures for the use of recording equipment, and completion of recording documentation;

B. On a bimonthly basis, recordings are randomly reviewed to assist in periodic assessment of officer performance, determine whether the recording equipment is being fully and properly used and to identify material that may be appropriate for training;

C. Repairs and replacement of damaged or non-functional recording equipment is performed;

D. All statistical reporting requirements are being completed as required to ensure adequate program evaluation;

E. All videotapes, flash cards and hard drives, while not in use in a police vehicle, will be kept in locked cabinets at each regional command or other facility where officers using video system-equipped police vehicles are assigned.

3-304.05 STATION MANAGER RESPONSIBILITY.

A. Station managers, or unit supervisors for personnel assigned to other Divisions, will be responsible for conducting random checks and inspections of recording equipment to ensure proper operation.

B. Station Managers, or unit supervisors for personnel assigned to other Divisions, will mark each video tape, flash card and hard drive with the vehicle number. Each video tape, flash card or hard drive will be documented in the appropriate log sheet with the tape, flash card or hard drive number, date and time in, date and time out, supervisor's ID number, police vehicle number and disposition of tape, flash card or hard drive.

C. Station Managers or unit supervisors are responsible for erasing videotapes, flash cards and hard drives prior to re-use.

D. Defective flash cards or hard drives with case evidence or recordings needed for an administrative investigation will be sent to the Financial Crimes Unit so that properly trained personnel may attempt data recovery. If recovery of data is beyond the capabilities of Financial Crimes Unit personnel, they may obtain assistance from an outside lab. Defective tapes, flash cards or hard drives with case evidence or administrative case recordings will be retained for 90 days or until no longer needed for the case, whichever is later. The tapes, flash cards or hard drives will then be destroyed and the destruction will be noted on the appropriate log.

E. Defective tapes, flash cards and hard drives will be replaced.

3-304.06 TRAINING.

A. All officers will receive training on camera equipment prior to use. The training will follow the manufacturer's specifications and policy.

B. The trained officer will receive a written copy of the directions on the use of the camera.

3-304.07 DISPOSITION OF EVIDENTIARY RECORDINGS. All recorded arrests will be considered evidence, including defective recordings. Any other recording that an officer feels may be of value in an investigation will be turned in as evidence, whether video tape or a DVD copy, per proper evidence procedures. Notations of any action taken under this section will be noted on the appropriate log.

RULE NO. 27 ADHERENCE TO LAW ENFORCEMENT CODE OF ETHICS

Departmental personnel will adhere at all times to the Law Enforcement Code of Ethics below:

a. As a Law Enforcement Officer, my fundamental duty is to serve mankind; 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 men to liberty, equality and justice.

b. 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 thought and deed in both my personal and official life, I will be exemplary 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.

c. 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 ill will, never employing unnecessary force or violence and never accepting gratuities.

d. 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 the ethics of the police service.

Appendix C

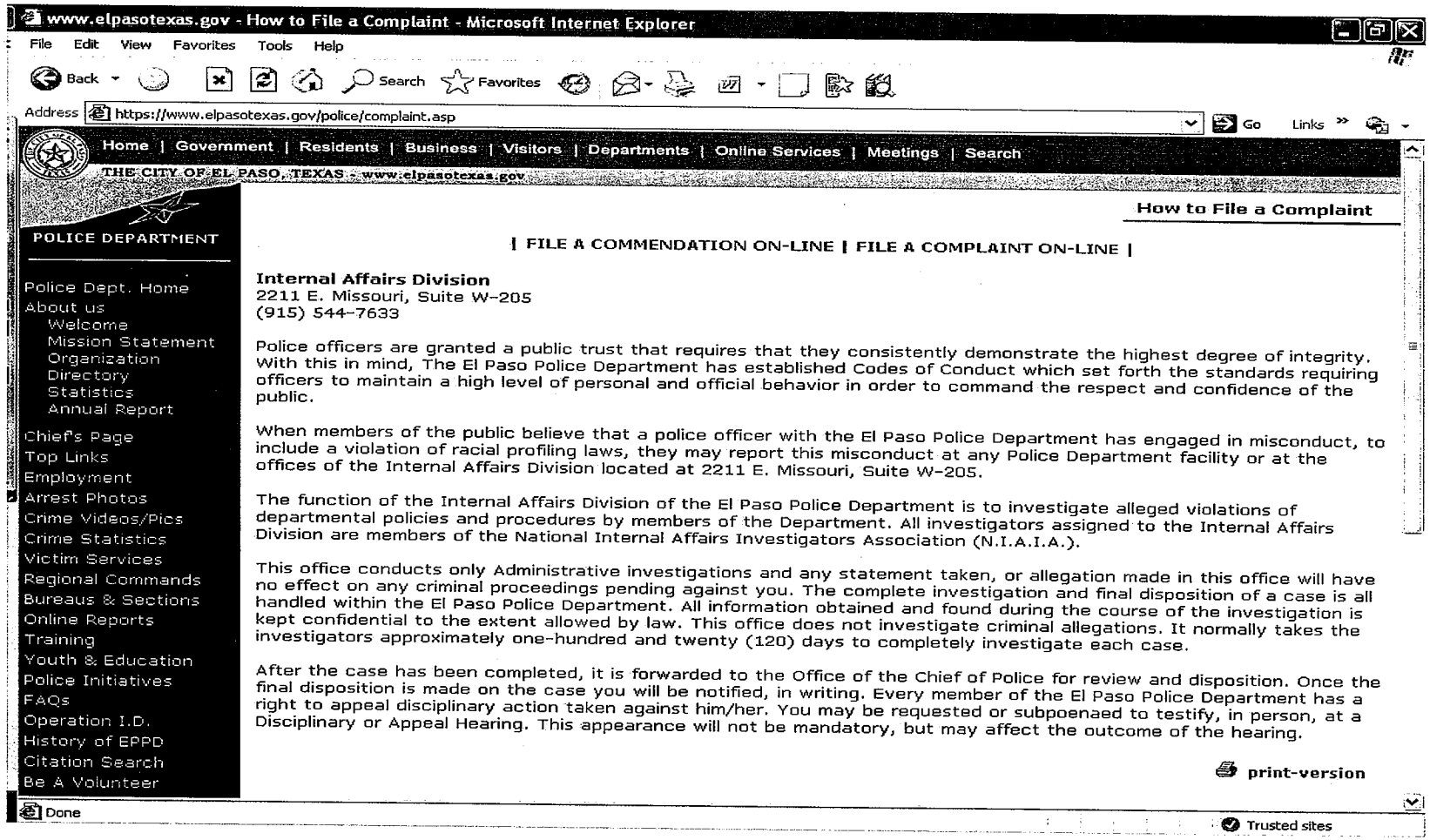
Racial Profiling Laws and Corresponding General Orders and Standard Operating Procedures

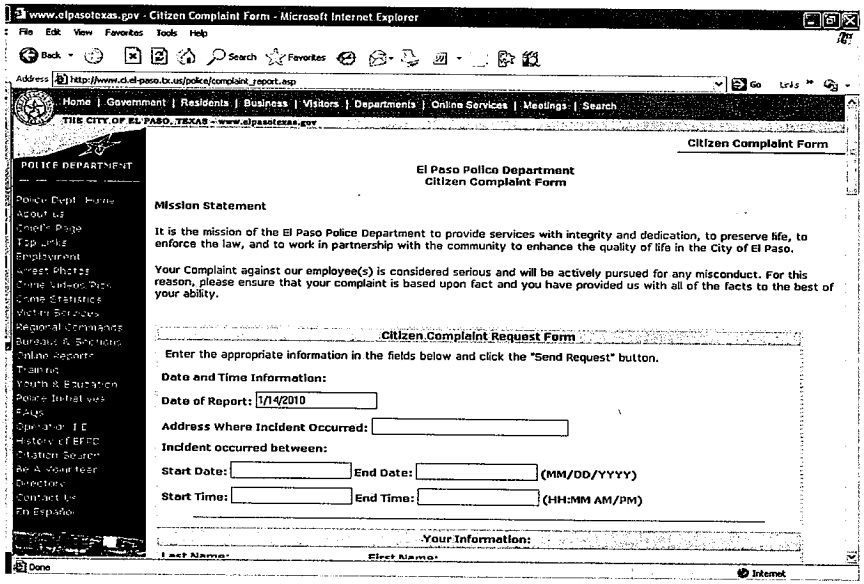
Texas CCP Article	EL PASO POLICE DEPARTMENT OPERATIONAL POLICIES
2.132(b)1	3-202.01 Section A (1)
2.132(b)2	3-202.01 Racial and Biased Based Profiling
2.132(b)3	3-202.02 Section D (2)
2.132(b)4	3-202.02 Section E
2.132(b)5	3-202.02 Section D (1-2)
2.132(b)6	3-202.02 Section A
2.132(b)7	3-202.02 Section C

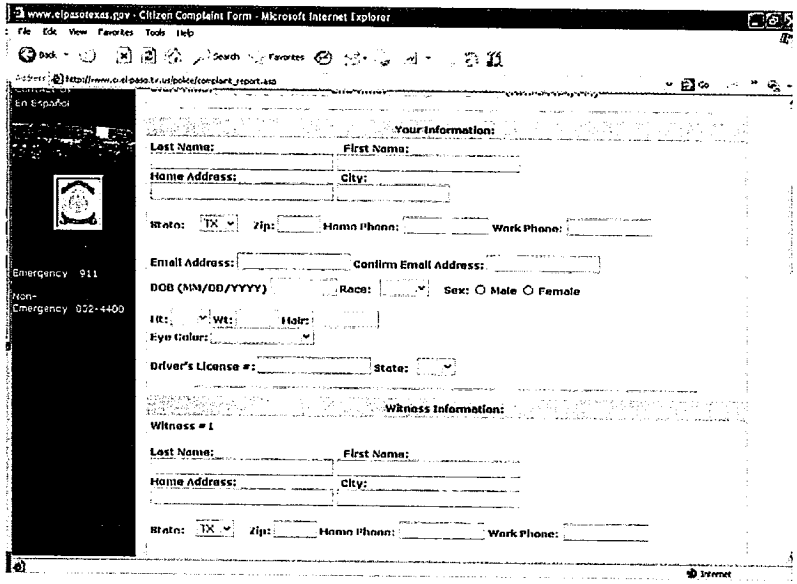
Appendix D

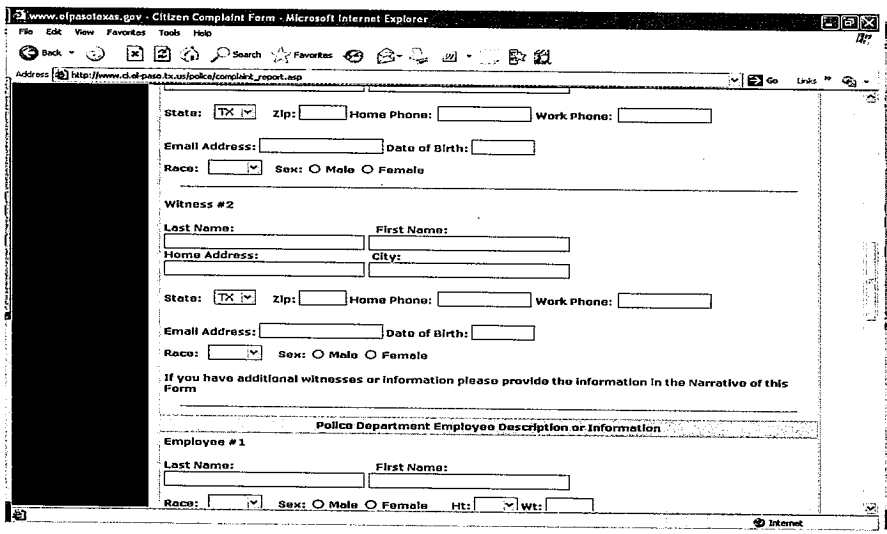
El Paso Police Department Online Complaint Website and Departmental Brochures on the Complaint Process

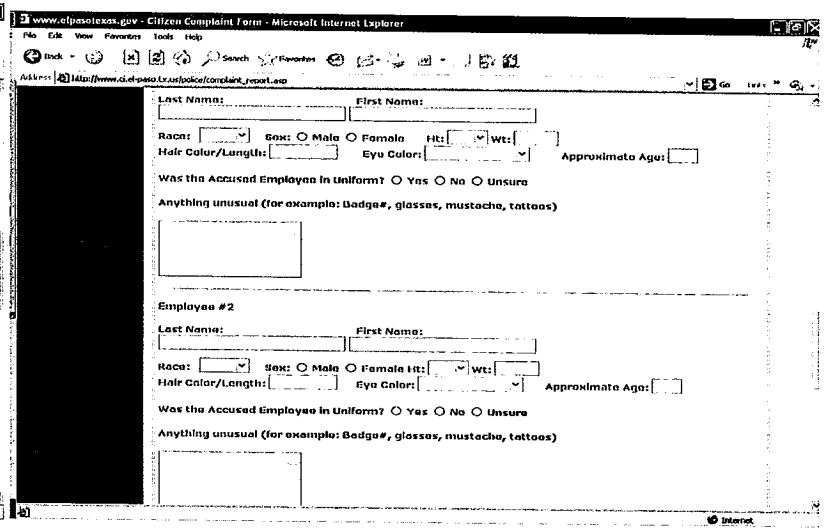
http://www.ci.el-paso.tx.us/police/complaint.asp











www.elpasotexas.gov - Citizen Complaint Form - Microsoft Internet Explorer

File Edit View Favorites Tools Help

Address http://www.ci.el-paso.tx.us/police/complaint_report.asp

Home | Government | Residents | Business | Visitors | Departments | Online Services | Meetings | Search

THE CITY OF EL PASO, TEXAS - www.elpasotexas.gov

POLICE DEPARTMENT

Police Dept. Home
About Us
Chief's Page
Top Links
Employment
Arrest Photos
Crime Videos/Pics
Crime Statistics
Victim Services
Regional Commands
Bureaus & Sections
Online Reports
Training
Youth & Education
Police Initiatives
FAQs
Operation I.E.
History of EPPD
Citation Search
Be A Volunteer
Directory
Contact Us
En Español

Citizen Complaint Form

El Paso Police Department
Citizen Complaint Form

Mission Statement

It is the mission of the El Paso Police Department to provide services with integrity and dedication, to preserve life, to enforce the law, and to work in partnership with the community to enhance the quality of life in the City of El Paso.

Your Complaint against our employee(s) is considered serious and will be actively pursued for any misconduct. For this reason, please ensure that your complaint is based upon fact and you have provided us with all of the facts to the best of your ability.

Citizen Complaint Request Form

Enter the appropriate information in the fields below and click the "Send Request" button.

Date and Time Information:

Date of Report: 1/14/2010

Address Where Incident Occurred:

Incident occurred between:

Start Date: End Date: (MM/DD/YYYY)

Start Time: End Time: (HH:MM AM/PM)

Your Information:

Last Name: First Name:

Done Internet

www.elpasotexas.gov - Citizen Complaint Form - Microsoft Internet Explorer

File Edit View Favorites Tools Help

Address http://www.ci.el-paso.tx.us/police/complaint_report.asp

En Español

Emergency 911

Non-Emergency 832-4400

Your Information:

Last Name: First Name:

Home Address: City:

State: TX Zip: Home Phone: Work Phone:

Email Address: Confirm Email Address:

DOB (MM/DD/YYYY) Race: Sex: O Male O Female

Ht: Wt: Hair:

Eye Color:

Driver's License #: State:

Witness Information:

Witness #1

Last Name: First Name:

Home Address: City:

State: TX Zip: Home Phone: Work Phone:

Internet

www.elpasotexas.gov - Citizen Complaint Form - Microsoft Internet Explorer

File Edit View Favorites Tools Help

Address http://www.ci.el-paso.tx.us/police/complaint_report.asp

State: TX Zip: Home Phone: Work Phone:

Email Address: Date of Birth:

Race: Sex: O Male O Female

Witness #2

Last Name: First Name:

Home Address: City:

State: TX Zip: Home Phone: Work Phone:

Email Address: Date of Birth:

Race: Sex: O Male O Female

If you have additional witnesses or information please provide the information in the Narrative of this Form

Police Department Employee Description or Information

Employee #1

Last Name: First Name:

Race: Sex: O Male O Female Ht: Wt:

Internet

www.elpasotexas.gov - Citizen Complaint Form - Microsoft Internet Explorer

File Edit View Favorites Tools Help

Address http://www.ci.el-paso.tx.us/police/complaint_report.asp

Last Name: First Name:

Race: Sex: O Male O Female Ht: Wt:

Hair Color/Length: Eye Color: Approximate Age:

Was the Accused Employee in Uniform? O Yes O No O Unsure

Anything unusual (for example: Badge#, glasses, mustache, tattoos)

Employee #2

Last Name: First Name:

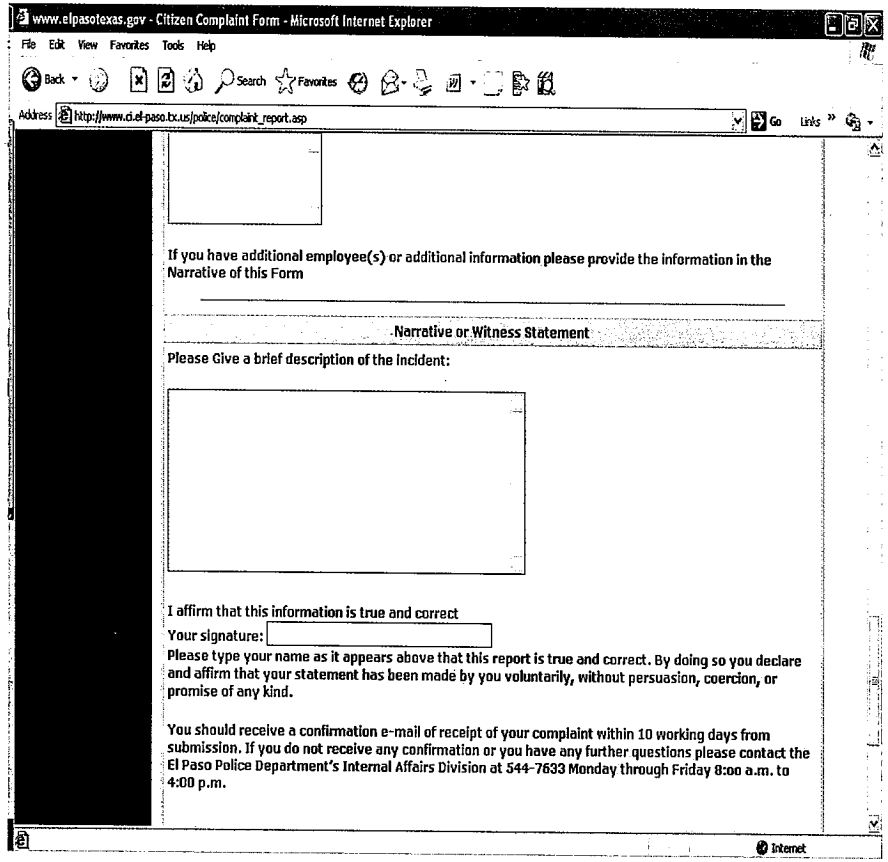
Race: Sex: O Male O Female Ht: Wt:

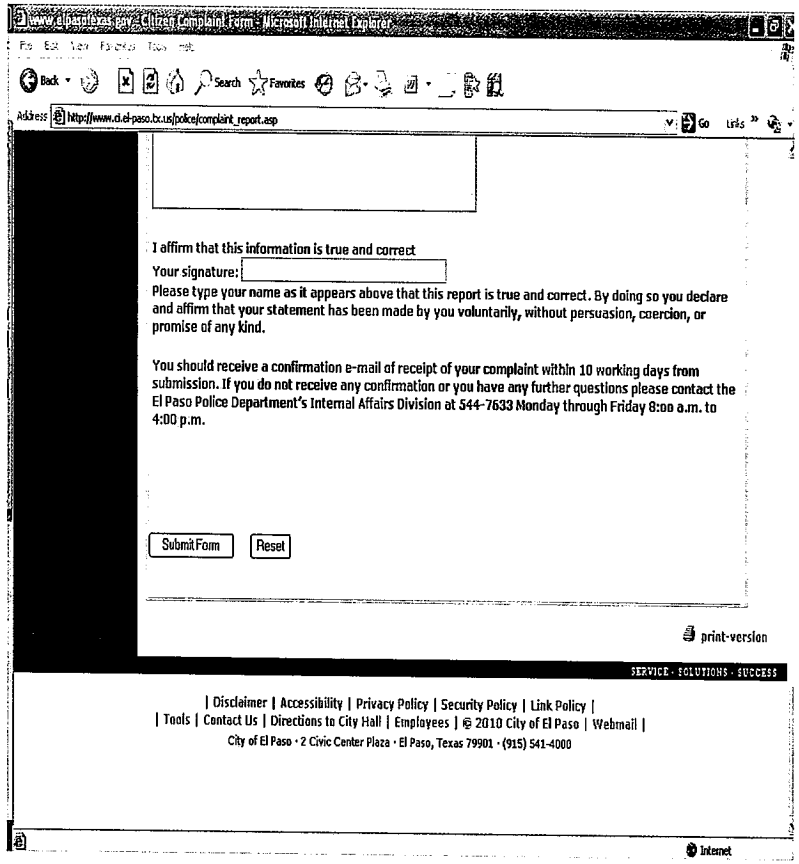
Hair Color/Length: Eye Color: Approximate Age:

Was the Accused Employee in Uniform? O Yes O No O Unsure

Anything unusual (for example: Badge#, glasses, mustache, tattoos)

Internet


www.elpasotexas.gov - Citizen Complaint Form - Microsoft Internet Explorer
File Edit View Favorites Tools Help
Back Search Favorites
Address http://www.ci.el-paso.tx.us/police/complaint_report.asp
Go Links
If you have additional employee(s) or additional information please provide the information in the Narrative of this Form
Narrative or Witness Statement
Please Give a brief description of the incident:
I affirm that this information is true and correct
Your signature:
Please type your name as it appears above that this report is true and correct. By doing so you declare and affirm that your statement has been made by you voluntarily, without persuasion, coercion, or promise of any kind.
You should receive a confirmation e-mail of receipt of your complaint within 10 working days from submission. If you do not receive any confirmation or you have any further questions please contact the El Paso Police Department's Internal Affairs Division at 544-7633 Monday through Friday 8:00 a.m. to 4:00 p.m.
Internet


Back Search Favorites
Address http://www.ci.el-paso.tx.us/police/complaint_report.asp
Go Links
I affirm that this information is true and correct
Your signature:
Please type your name as it appears above that this report is true and correct. By doing so you declare and affirm that your statement has been made by you voluntarily, without persuasion, coercion, or promise of any kind.
You should receive a confirmation e-mail of receipt of your complaint within 10 working days from submission. If you do not receive any confirmation or you have any further questions please contact the El Paso Police Department's Internal Affairs Division at 544-7633 Monday through Friday 8:00 a.m. to 4:00 p.m.
Submit Form
Reset
print-version
SERVICE · SOLUTIONS · SUCCESS
| Disclaimer | Accessibility | Privacy Policy | Security Policy | Link Policy |
| Tools | Contact Us | Directions to City Hall | Employees | © 2010 City of El Paso | Webmail |
City of El Paso · 2 Civic Center Plaza · El Paso, Texas 79901 · (915) 541-4000
Internet

www.elpasotexas.gov/police/internalaffairs.asp

What Is Internal Affairs Filing A Formal Complaint

Complaint Affidavit (Engl.) Complaint Affidavit (Span.)

Complaint Process Brochure

Internal Affairs Division
2211 E. Missouri, Suite W-205
(915) 521-9200

A Message From The Chief of Police

Community policing is a philosophy and management style adopted by the El Paso Police Department that promotes proactive problem solving and police community partnerships. The close working relationships with the community enable the police department to achieve an appropriate level of professionalism and establish public confidence in law enforcement. The Department, therefore, demands a high standard of conduct and discipline from all its employees (uniform and civilian) in order to preserve the necessary trust and confidence within the community we serve. As a result, the Department will accept all comments about an employee's conduct or performance whether it is to commend or complain.

When a citizen feels that an employee of the Department acted improperly, that citizen is encouraged to contact the Internal Affairs Division to discuss or report the complaint. Timely complaints will be thoroughly investigated by Internal Affairs because the Department takes all complaints seriously. We have a commitment to the community and understand that the services the police provide are directly related to the quality of our relationship with the people we serve.

Yours in Service,

Gregory K. Allen
Chief of Police

What Is Internal Affairs

The mission of the Internal Affairs Division is to accept, register and investigate complaints of alleged misconduct by an employee of the Department in an objective and impartial manner to ensure justice and fairness towards Department employees and the citizens of El Paso. The purpose of Internal Affairs is to ensure professional conduct by all Department employees and to maintain a high level of overall integrity for the Department.

Internal Affairs only conducts administrative investigations into alleged serious misconduct by current employees of the Department. Serious misconduct would include but not be limited to officer-involved shootings, critical incidents involving death or serious bodily injury, alleged constitutional violations, alleged racial profiling/discrimination, dishonesty, drug use, sexual misconduct, allegations of a violation of any law, excessive use of force, allegations of misconduct involving more than one division, complaints by employees of discrimination, sexual harassment or other unlawful employment practices and cases referred directly by the Chief of Police or command staff.

Allegations of minor misconduct will be referred back to the divisional level for investigation. However, Internal Affairs will oversee the administrative investigation process.

Filing A Formal Complaint

A formal complaint may be lodged with Internal Affairs or with any supervisor in the police department, who will then forward the complaint to Internal Affairs. A formal complaint is a written allegation against an employee of the Department that could result in disciplinary action, up to and including termination. **State law requires that complaints against police officers be in writing and signed by the person making the complaint**.

Persons complaining by e-mail or orally will be requested to submit their complaint in writing with their signature affixed, and will be provided the appropriate affidavit form, which is available on the Department's web site (Complaint Affidavit / Queja Declaración Jurada). The Complaint Affidavit can be sent via mail or dropped off in person at Internal Affairs or left with any police supervisor at the Regional Commands. **Please note that the Complaint Affidavit needs to be notarized, this can be done at any of the Regional Commands or at the office of Internal Affairs.**

All complaints will have a preliminary investigation conducted by Internal Affairs to determine if the employee has violated a law or a departmental policy, procedure, rule or regulation during the incident. A complaint will not be investigated if the evidence determines no violation and such will be explained to the complainant. A complaint also will not be investigated if it is barred by time limitations and such will be explained to the complainant.

If a complaint cannot be investigated, Internal Affairs will retain the information in its files and the Department will consider if non-disciplinary action is necessary.

[^top]

print-version

Posibles Resultados de una Investigación

Los posibles resultados al concluir la investigación son:

- **Infundada:** el supuesto acto no ocurrió.
- **Exonerada:** el supuesto acto ocurrió, pero fue legal y apropiado.
- **No Sostenida:** No hay suficiente evidencia para probar o desaprobar el supuesto acto.
- **Sostenida:** Hay suficiente evidencia para concluir que el supuesto acto si ocurrió.

Un Panel Disciplinario determinara los resultados de las investigaciones ya completas. El Jefe de Policía tiene la autoridad final en todos los asuntos disciplinarios.

Cuando una investigación es sostenida, una de las siguientes acciones será tomada en contra del empleado, dependiendo la naturaleza de la violación:

- Consejería
- Entrenamiento
- Reprimenda por escrito
- Suspensión
- Descenso de rango
- Despido de su empleo

Los empleados pueden apelar la acción disciplinaria tomada en contra de ellos. Tal apelación es controlada por las Reglas del Servicio Civil, el convenio de negociación colectiva y la ley relevante del estado o local.

Domicilios y Teléfonos Útiles

Jefe de Policía
Departamento de Policía de El Paso
915-564-7000
911 N. Raynor
El Paso, TX 79903

Centros de Comandancias Regionales:

- Central 915-577-5000
  200 S. Campbell
  El Paso, TX 79901

- Pebble Hills 915-599-5500
  10780 Pebble Hills #A
  El Paso, TX 79935

- Mission Valley 915-872-3600
  9011 Escobar
  El Paso, TX 79907

- Northeast 915-759-2000
  9600 Dyer
  El Paso, TX 79924

- Westside 915-585-6000
  4801 Osborne
  El Paso, TX 79912

"Nunca debemos temer a la verdad, sin importar a donde nos llevara."

Thomas Jefferson

Proceso de Quejas

División de Asuntos Internos

2211 E. MISSOURI, #W-205

EL PASO, TEXAS 79903

915-521-9200

Un mensaje del Jefe de Policía

Patrullaje comunitario es una filosofía y estilo de administración adoptado por el Departamento de Policía de El Paso que promueve la solución eficaz de problemas y compañerismo con la comunidad. El tener una relación cercana con la comunidad permite al departamento de policía lograr un nivel apropiado de profesionalismo y establecer la confianza del público para aplicar la ley. El departamento, aun así, demanda un alto estándar de conducta y disciplina de todos sus empleados (uniformados y civiles) para poder mantener la confianza y certeza necesaria dentro de la comunidad a la cual servimos. Como resultado, el departamento aceptara todos los comentarios acerca de la conducta de sus empleados o su desempeño aun cuando sea para recomendar o poner una queja.

Cuando un ciudadano siente que un empleado del departamento actuó inadecuadamente, ese ciudadano es animado para que contacte a la División de Asuntos Internos para discutir o reportar una queja. Las quejas oportunas serán investigadas a fondo por Asuntos Internos porque el departamento toma todas las quejas muy seriamente. Tenemos el compromiso con la comunidad y entendemos que los servicios que la policía provee son directamente relacionados con la calidad de nuestra relación con la gente que servimos.

A su Servicio,

Gregory K. Allen
Jefe de Policía

¿Que es Asuntos Internos?

La misión de la División de Asuntos Internos es el de tomar, registrar, e investigar quejas de supuesta mala conducta de un empleado del Departamento en una manera imparcial y con un objetivo de asegurar rectitud y justicia hacia el empleado del departamento y los ciudadanos de El Paso. El propósito de Asuntos Internos es el de asegurar una conducta profesional de todos los empleados del departamento y mantener un alto nivel de integridad para el departamento.

Asuntos Internos solo hace investigaciones administrativas en presuntos casos de mala conducta de los empleados del departamento. Estas investigaciones incluye pero no están limitadas a: tiroteos donde involucra al oficial, incidentes críticos que involucra muerte o lastimaduras graves, supuestas violaciones constitucionales, supuesta discriminación racial, deshonestidad, uso de drogas, conducta sexual inapropiada, alegaciones de romper alguna ley, uso excesivo de fuerza, alegaciones de mala conducta que involucran a mas de una división, quejas de empleados por discriminación, acoso sexual o cualquier otra practica ilegal del empleador y casos referidos directamente del Jefe de Policía o del personal en mando.

Alegaciones de mala conducta menores serán referidas a un nivel divisional para la investigación. Sin embargo, Asuntos Internos supervisara el proceso de la investigación administrativa.

Archivando una Queja Formal

Una queja formal puede ser puesta con Asuntos Internos o con cualquier supervisor en el departamento de policía, el cual después mandara la queja a Asuntos Internos. Una queja formal es una alegación por escrito en contra de un empleado del departamento el cual puede resultar en una acción disciplinaria, o despido de su empleo. La ley del Estado requiere que las quejas en contra de los oficiales de policía sean por escrito y firmada por la persona que hace la queja.

Las personas que hacen su queja por correo electrónico u oralmente se les requerirá que pongan una queja por escrito con su firma adherida, y se le proveerá la forma apropiada para la declaración jurada, la cual esta disponible en la pagina de Internet del departamento
www.elpasotexas.gov/police/internalaffairs.asp

Todas las quejas tendrán una investigación preliminar conducida por Asuntos Internos para determinar si el empleado ha violado la ley o una política del departamento, procedimiento, regla, o regulación durante el incidente. Una queja no será investigada si la evidencia determina que no hay violación y tal será explicada al demandante. Una queja también no será investigada si esta sujeta a limitaciones de tiempo y tal será explicada al demandante.

Si una queja no puede ser investigada, Asuntos Internos conservara la información en sus archivos y el departamento considerada si una acción disciplinaria es necesaria.

POSSIBLE OUTCOMES OF INVESTIGATION

Possible dispositions at the conclusion of an investigation are:

- **Unfounded:** the alleged act did not occur.
- **Exonerated:** the alleged act occurred but was lawful and proper.
- **Not Sustained:** there is insufficient evidence to prove or disprove the alleged act.
- **Sustained:** there is sufficient evidence to conclude the alleged act took place.

A Discipline Review Board determines the disposition on completed investigations. The Chief of Police has final authority on all disciplinary matters.

When an investigation is sustained, one of the following actions may be taken against the employee, depending on the nature of the violation:

- Counseling
- Training
- Written Reprimand
- Suspension
- Demotion
- Termination

Employees can appeal disciplinary action taken against them. Such appeals are governed by Civil Service Rules, the collective bargaining agreement and relevant state or local law.

USEFUL ADDRESSES & PHONE NUMBERS

Chief of Police
El Paso Police Dept. 915-564-7000
911 N. Raynor
El Paso, TX 79903

Regional Command Centers:

- Central 915-577-5000
  200 S. Campbell
  El Paso, TX 79901

- Pebble Hills 915-599-5500
  10780 Pebble Hills #A
  El Paso, TX 79935

- Mission Valley 915-872-3600
  9011 Escobar
  El Paso, TX 79907

- Northeast 915-759-2000
  9600 Dyer
  El Paso, TX 79924

- Westside 915-585-6000
  4801 Osborne
  El Paso, TX 79912

"We should never be afraid of the truth, regardless of where it leads us."

Thomas Jefferson

COMPLAINT PROCESS

INTERNAL AFFAIRS DIVISION

2211 E. MISSOURI, #W-205

EL PASO, TEXAS 79903

915-521-9200

A MESSAGE FROM THE CHIEF OF POLICE

Community policing is a philosophy and management style adopted by the El Paso Police Department that promotes proactive problem solving and police community partnerships. The close working relationships with the community enable the police department to achieve an appropriate level of professionalism and establish public confidence in law enforcement. The Department, therefore, demands a high standard of conduct and discipline from all its employees (uniform and civilian) in order to preserve the necessary trust and confidence within the community we serve. As a result, the Department will accept all comments about an employee's conduct or performance whether it is to commend or complain.

When a citizen feels that an employee of the Department acted improperly, that citizen is encouraged to contact the Internal Affairs Division to discuss or report the complaint. Timely complaints will be thoroughly investigated by Internal Affairs because the Department takes all complaints seriously. We have a commitment to the community and understand that the services the police provide are directly related to the quality of our relationship with the people we serve.

Yours in Service,

Gregory K. Allen
Chief of Police

WHAT IS INTERNAL AFFAIRS?

The mission of the Internal Affairs Division is to accept, register and investigate complaints of alleged misconduct by an employee of the Department in an objective and impartial manner to ensure justice and fairness towards Department employees and the citizens of El Paso. The purpose of Internal Affairs is to ensure professional conduct by all Department employees and to maintain a high level of overall integrity for the Department.

Internal Affairs only conducts administrative investigations into alleged serious misconduct by current employees of the Department. Serious misconduct would include but not be limited to officer-involved shootings, critical incidents involving death or serious bodily injury, alleged constitutional violations, alleged racial profiling/discrimination, dishonesty, drug use, sexual misconduct, allegations of a violation of any law, excessive use of force, allegations of misconduct involving more than one division, complaints by employees of discrimination, sexual harassment or other unlawful employment practices and cases referred directly by the Chief of Police or command staff.

Allegations of minor misconduct will be referred back to the divisional level for investigation. However, Internal Affairs will oversee the administrative investigation process.

FILING A FORMAL COMPLAINT

A formal complaint may be lodged with Internal Affairs or with any supervisor in the police department, who will then forward the complaint to Internal Affairs. A formal complaint is a written allegation against an employee of the Department that could result in disciplinary action, up to and including termination. State law requires that complaints against police officers be in writing and signed by the person making the complaint.

Persons complaining by e-mail or orally will be requested to submit their complaint in writing with their signature affixed, and will be provided the appropriate affidavit form, which is available on the Department's web site:
www.elpasotexas.gov/police/internalaffairs.asp

All complaints will have a preliminary investigation conducted by Internal Affairs to determine if the employee has violated a law or a departmental policy, procedure, rule or regulation during the incident. A complaint will not be investigated if the evidence determines no violation and such will be explained to the complainant. A complaint also will not be investigated if it is barred by time limitations and such will be explained to the complainant.

If a complaint cannot be investigated, Internal Affairs will retain the information in its files and the Department will consider if non-disciplinary action is necessary.