

PERCEIVED IMPACT OF THE TEXAS RACIAL PROFILING LAW ON TEXAS  
LAW ENFORCEMENT AGENCIES

A Thesis

by

AMANDA LEIGH MOSS

Submitted to the College of Graduate Studies of  
Tarleton State University  
in partial fulfillment of the requirements for the degree of

MASTER OF CRIMINAL JUSTICE

Chair of Committee,  
Committee Members,

Head of Department,  
Dean, College of Graduate Studies,

Alejandro del Carmen, PhD  
Rhonda Dobbs, PhD  
Christopher Copeland, PhD  
Rhonda Dobbs, PhD  
Barry D. Lambert, PhD

May 2017

Major Subject: Criminal Justice

Copyright 2017 Amanda L. Moss

ProQuest Number:10278106

All rights reserved

INFORMATION TO ALL USERS

The quality of this reproduction is dependent upon the quality of the copy submitted.

In the unlikely event that the author did not send a complete manuscript and there are missing pages, these will be noted. Also, if material had to be removed, a note will indicate the deletion.



ProQuest 10278106

Published by ProQuest LLC (2017). Copyright of the Dissertation is held by the Author.

All rights reserved.

This work is protected against unauthorized copying under Title 17, United States Code  
Microform Edition © ProQuest LLC.

ProQuest LLC.  
789 East Eisenhower Parkway  
P.O. Box 1346  
Ann Arbor, MI 48106 – 1346



## ACKNOWLEDGEMENTS

This is lovingly dedicated to my mother, Helen Spell Moss; the memory of my father, Walter Olin Moss, Jr; and the rest of my amazing family. Your love and support have been unwavering. I would not be the person I am without all of you.

I would also like to dedicate this to the men and women of the Arlington, Texas Police Department. You make me want to be better; you encourage me to learn more; and you inspire me every day. I am so proud to be part of the very best. “Service Before Self, Honor Above All”.

Thank you to Dr. Alex del Carmen, Dr. Rhonda Dobbs, and Dr. Christopher Copeland of the Tarleton State University Criminal Justice program. Your support and encouragement during this process were unmatched; as is my appreciation for you.

## ABSTRACT

Moss, Amanda L., Perceived Impact of the Texas Racial Profiling Law on Texas Law Enforcement Agencies, MASTER OF CRIMINAL JUSTICE (Criminal Justice), August, 2017, 56 pp., 3 tables, 1 figure, bibliography, 5 titles.

The purpose of this study is to examine Texas law enforcement chief executive officers' perceptions regarding the impact of the Texas Racial Profiling law since its implementation in 2001. The bill was hastily submitted for a vote without a potential impact assessment and little to no review by the law enforcement community, which resulted in confusion and frustration regarding how agencies were to comply with the law. Results indicate that law enforcement agencies of all sizes reported they were in compliance with the law and that senior staff and line officers were generally in favor of the law, while they tended toward neutral responses regarding the law's ability to prevent racial profiling, setting a tone of "zero tolerance" on racism, and its ability to actually measure racial profiling with the requirements set forth in the law. The study indicated statistically significant different responses between small and large agencies when asked about financial impact, outside assistance and purchase of new or upgraded software in an effort to comply with the law. The findings highlight the difference in resources available to small and large agencies when considering the need to collect, track, and analyze traffic stop data. Overall, the findings in this research stress the need to inquire further into perceptions of how this law has affected agency operations, budgets and morale. Additional research may benefit from focusing on the line officers' opinions regarding the law's impact on their ability to safely and adequately perform their duties.

## TABLE OF CONTENTS

<b>LIST OF GRAPHICS.....</b>	<b>vi</b>
<b>CHAPTER I .....</b>	<b>1</b>
INTRODUCTION .....	1
<b>CHAPTER II.....</b>	<b>7</b>
LITERATURE REVIEW .....	7
<b>CHAPTER III .....</b>	<b>16</b>
METHODOLOGY .....	16
Sample.....	17
Survey Instrument.....	18
<b>CHAPTER IV.....</b>	<b>20</b>
FINDINGS .....	20
Demographical Information.....	20
Number of Sworn Officers Findings.....	26
<b>CHAPTER V .....</b>	<b>34</b>
DISCUSSION.....	34
Agency Number of Officers – Statistically Significant Findings .....	34
Agency Number of Officers – No Statistical Significance.....	36
Policy Implications .....	37
Limitations .....	38
Conclusion .....	39

<b>REFERENCES.....</b>	<b>42</b>
<b>APPENDICES.....</b>	<b>48</b>
APPENDIX A – REQUEST EMAIL .....	48
APPENDIX B – INFORMED CONSENT.....	49
APPENDIX C – SURVEY .....	50
APPENDIX D – DEFINITIONS .....	52

## LIST OF GRAPHICS

<b>TABLE</b>	<b>Page</b>
1. Table 4.1: Demographic Frequencies and Percentages .....	21
2. Table 4.2: Number of Officers Means and T-Test Comparisons.....	28
3. Table 4.3: Cross-tabulation of perceived budget impact controlling for number of officers .....	32

<b>FIGURE</b>	<b>Page</b>
1. Figure 4.1: Texas Commission on Law Enforcement's Regional Support Map ..	25



## CHAPTER ONE

### INTRODUCTION

Michael Brown, an unarmed black teenager, was shot and killed by Darren Wilson, a white police officer, in Ferguson, Missouri on August 9, 2014 (Rickford, 2016). The protests became violent and were often beyond the control of the Ferguson Police Department and St. Louis County Sheriff's Department. Although the "Black Lives Matter" movement began as a quiet statement in Florida after George Zimmerman's acquittal in the Trayvon Martin murder, it was Michael Brown's death that launched the movement into the national spotlight with protests and violence on the streets of Ferguson (Rickford, 2016). This incident led to a series of protests across the country, as additional videos showing Caucasian police officers shooting unarmed black men began to emerge. Soon after, an increase in videos depicting other African American deaths at the hands of Caucasian police officers became public. Tamir Rice, Walter Scott, Eric Garner, Freddie Gray, Sandra Bland and Christian Taylor became familiar names.

The public's accusations of police departments' unfair treatment of minorities was confirmed by the U.S. Supreme Court (*Terry v. Ohio*, 1968), but was not given the media attention at the time; police discrimination was generally unnoticed by the American public (Harris, 2006). Now, the availability of cameras on mobile phones have made it possible for victims, witnesses, and suspects to film and publicize mistreatment and constitutional violations (Gregory, 2010). The public's exposure to cases of police mistreatment have a negative effect on citizens' opinions; the public is more inclined to believe that law enforcement does not enforce the law in an equal and fair manner

(Lasley, 1994). Video evidence of abuse and misconduct is a valuable tool in investigations, but community support for a police department involved in such an incident is significantly reduced; and it may take years for that support to return (Weitzer, 2002).

The American public's opinion on what qualifies as a problem has more to do with what people are paying attention to, and how they perceive the issue, than with the objective reality of the situation (Graziano, Schuck, & Martin, 2010). Journalists manage a story by "framing" it in a specific manner to influence certain viewers (Graziano et al., 2010, p.53). Media frames can come from both outside and inside news organizations. Because journalists rely on outside sources for information, quotes, and analysis, individuals can use the media to promote a certain perspective and influence the public at large (Gamson & Lasch, 1983).

Frequent exposure to media reports of police abuse or corruption can lead the public to perceive this is a common occurrence. African-Americans who live in high-crime areas with strong police presence will hear others talk about the misconduct; they are especially likely to believe that this happens on a regular basis (Wilcox, n.d.). The impact of news framing is substantial in cases of police misconduct; small differences in framing have significant effects on a person's perceptions (Iyengar, 1991).

Because of the high profile cases of police misconduct intertwined with accusations of racial discrimination, law enforcement agencies across the country have been put on notice. The public is watching and waiting for the next police-community interaction with their camera phones recording. With many of the police misconduct

events occurring during self-initiated traffic or subject stops, racial profiling becomes the primary focus of the racial discrimination allegations.

The public, in general, may understand profiling to be racial bias in decision making, which includes but is not limited to police discretion (Miller, 2007). The United States Department of Justice defines racial profiling by law enforcement as a practice that targets people for suspicion of crime based on their race, ethnicity, religion or national origin. Creating a profile about the kinds of people who commit certain types of crimes may lead officers to generalize about a particular group and act according to the generalization rather than specific behavior (“National Institute of Justice definition of racial profiling,” 2013).

When viewing policing through the lens of legitimacy, racial profiling may be the single largest issue facing law enforcement agencies today (Skogan & Meares, 2004). A generation after community policing began, racial profiling threatens to erase the strides made by police in the postmodern era (Miller, 2007). The presence and practice of racial profiling can affect police-citizen relations in communities; these relationships can become strained making policing all the more challenging (“National Institute of Justice definition of racial profiling,” 2013). While the impact of racial profiling is widely known, very little is known about how police agencies view the laws that prevent it.

Human perception is often the foundation of what becomes human reality. “If men define situations as real, they are real in their consequences” (Jussim, 1991, p. 54). This quote by philosopher, W.J. Thomas, is often used by social psychologists to support the theme: the power of human beings to construct their own social realities. Social psychological research has long focused on the theory that social reality is created by

those involved in interpersonal contact with others in society. The “strong version” of this perspective suggests that human social perception or belief creates a reality that is not necessarily a reflection of actual reality (Fiske & Neuberg, 1990).

In the context of perceptions held by those directly affected by racial profiling and the laws which prohibit such activity, the perceptions held by members of a community are often related to historical records of racially biased conduct by police officers. Police behavior related to race, shared with the public through mass media was key in forming beliefs regarding racially motivated police behavior (Cochran & Warren, 2012). Media’s coverage of stories regarding police abuse of minorities has an impact on whites, Hispanics, and blacks; multiple exposures to the stories would reinforce the belief that racism is common and frequent in law enforcement (Cochran & Warren, 2012). This perception, based on history, will persist and may lead to more violent interactions between communities and the police, which will result in a continuous cycle of distrust (Cochran & Warren, 2012). This cycle is predicted to continue as more minorities are stopped, arrested and convicted, supporting the belief that blacks, Hispanics, and other minorities commit more crimes (Barlow & Barlow, 2002).

The race of a person is the most accurate predictor of opinion regarding law enforcement. African Americans have more negative opinions of police than Caucasians do. This perception is not unique to American communities (Weitzer & Tuch, 2005). The dominant race in many societies tends to see the police as allies, especially in societies with deeply divided cultural and sociopolitical beliefs like Northern Ireland and South Africa (Weitzer & Tuch, 2005). Negative perceptions and hostility toward police by minority and lower socio-economic communities have continued to rise; and racism in

police departments was more often seen as an institutional or cultural organized plan, rationalized by an unproven belief that minority races commit more crimes and use drugs more prevalently than Caucasian people (Barlow & Barlow, 2002). Police officers countered these claims, justifying using race as a part of criminal profiling as a legitimate law enforcement technique and exactly what is expected of them by their leadership and the communities they serve (Barlow & Barlow, 2002).

Amnesty International reported on the prevalence of racial profiling in 2004. The studies showed that approximately 32 million American citizens were victims of bias-based profiling while doing normal activities like walking in an airport and going to church (Amnesty, 2004). A study of African American and Latino communities in Milwaukee revealed claims of racial profiling by the Milwaukee police department were so prevalent that it was nearly impossible to find a minority citizen who had not been racially profiled (Barlow & Barlow, 2002). The prevalence of racial profiling by police created a divide between law enforcement agencies and the citizens they served, which has been widely studied in academic literature for more than a decade. Research regarding law enforcement officers' perceptions on racial profiling and the law which dictates their behavior in self-initiated contacts has been conducted, but to a lesser degree.

Since the beginning of the twentieth century, researchers focused much of their efforts on the perception of racial profiling by citizens as well as officers, resulting in rich and comprehensive data on the subjects. While there is sufficient research on citizen and officer perceptions of racial profiling, very little data has been collected on the effect of racial profiling laws which have altered police behavior and changed the institution of

law enforcement. police chief executive perceptions on the racial profiling law has largely been neglected. This study intends to bridge the void between the perceived impact of racial profiling and Texas police executives' perceived impact of the racial profiling law on law enforcement agencies.

The purpose of this study is to examine the perception of Texas police chief executives toward both the implementation and perceived effect of the racial profiling law on their respective law enforcement organizations. It is imperative to know if agencies are negatively affected when Texas legislators attach mandates without funding. There is sufficient research that exists on racial profiling and the effect it has on the public. However, at the time of this study, there is little to no information regarding the perceived effect the racial profiling law has on law enforcement practitioners.

In chapter two, there will be a discussion regarding the impact of racial profiling, perceived and actual, on communities and law enforcement and the influences which perpetuate the beliefs held by the public and the police officers. This will include a review of the academic literature focused on the history of racial profiling and the evolution of police behavior influenced by public perception and the racial profiling law in chapter two. In chapter three, the methods used to study Texas law enforcement executives' perceptions on the subject will be described, and the hypothesis of the study will be introduced. Information related to the findings discovered in the study will be discussed in chapter four. In chapter five, there will be an examination of the policy implications related to the findings of the study.

## CHAPTER TWO

### LITERATURE REVIEW

The history of American policing began in Colonial times, but not just in the North; slave patrols were created in the South (Durr, 2015). The slave patrols, publicly funded police departments, were directed to manage race-based conflicts and control the slave population (Walker, 1980). Their duties included searching slave homes, keeping slaves away from the roads and breaking up any slave gatherings (Hadden, 2003).

By 1837, the Charleston Police Department employed a squad of one hundred officers who were assigned to enforce controls over slaves and freed slaves. They checked documents, caught runaway slaves, and enforced slave rules. This control and suppression continued through and after the Civil War. During Reconstruction, those slave patrols transitioned into sections of the military, militias, and the Ku Klux Klan with the objective of maintaining control over the now free Black Americans (Durr, 2015).

Gradually, to assert and maintain control over black citizens, the slave patrol break out groups evolved into tax funded police organizations. These organizations gave life to police beats which were based on previously identified and established slave patrol areas. Police officers had a deep and comprehensive knowledge of the beats they were assigned to patrol (Porter, 1995). Because of this highly organized method of patrol and the expansion of police departments into major cities, some historians believe that slave patrols were the incarnation of modern day policing in America (Durr, 2015).

The thirteenth amendment to the Constitution of the United States of America may have abolished slavery in 1865, but it did not eliminate racism in the country.

The beginning of the twentieth century saw Black citizens' mass departure from the South. They were unable to vote, and Jim Crow Laws created defined boundaries between them and White Americans in the use of public services. Despite gaining freedom and citizenship, African Americans still faced discrimination and abuse at the hands of police (Durr, 2015).

In the 1940's police were required to force "Negroes" into a lower social level than whites. It was a common philosophy that African Americans should be physically punished if officers determined they were insubordinate (Myrdal, 1944). Westley conducted an observational study of police officers in Gary, Indiana in 1951. He noted that white officers consistently mocked African Americans, used stereotypes and exaggerated dialects when referring to contacts with African Americans (Westley, 1971).

Researchers began documenting evidence of racial bias in law enforcement in the early 1960's with Robin's 1963 study of justifiable homicides by the Philadelphia police department being the first article to receive nationwide attention (Robin, 1963). Robin looked at a ten-year period between 1950 and 1960; he found 32 males shot by white police officers. At the time, African Americans made up 22% of the city's population, while 87.5% of the 32 males shot by white officers were African American. Homicide Unit records showed that the medical examiner determined that 30 of the 32 homicides by white officers were justified (Robin, 1963). This was the first concrete evidence showing the existence of racial bias by white police officers.

The passing of the Civil Rights Act in 1964 was a significant step toward ending racial inequity in the United States. However, the Civil Rights Act did not end Americans' long held discriminatory beliefs regarding African Americans or any other



minority in the mid twentieth century. Southern states were especially resistant to the changes the federal government mandated with the Civil Rights Act (Salmond, 2009). The overt beatings, segregated services and general disdain have given way to more subtle, covert forms of discrimination by police officers (Byrd, 2011).

A study by The President's Commission on Law Enforcement and the Administration of Justice was conducted in 1966. Thirty-six observers were assigned to examine officer behavior at Boston, Chicago, and Washington, D.C. police departments. The observers recorded high levels of prejudice among police officers and rated it as extreme, and considerable (Skolnick, 1969).

The unfair and abusive treatment of African Americans began to surface as African Americans began to rise up against law enforcement in the 1960s and 1970s. Racial violence was triggered when white officers made contact or arrested a black man (Skolnick, 1969) The riots resulted in commissions recommending that police departments change their aggressive policies and procedures when dealing with the public. Recruitment of minorities began trending at the same time (Skolnick, 2007).

Despite moderate efforts to become inclusive, racism within the ranks plagued police departments across the country. In 1979, Miami-Dade County police officers chased a black man, caught up with him and beat him to death. The all-white jury acquitted the officers of all charges. Riots lasted nearly three days (Skolnick, 2007). Still no consideration was made to address the obvious bias within law enforcement organizations.

The 1991 beating of Rodney King, which was video recorded, was not enough to provoke widespread disdain for the racist practices engrained in law enforcement. After

all officers were acquitted, the most destructive riot in U.S. history ensued (Skolnick, 2007). In the wake of the tragedy, race-relations was the topic of the national discourse. Yet no significant policy or procedural changes occurred.

In 1994, Congress passed the 1994 Violent Crime Control and Law Enforcement Act (*H.R. 3355 1994 Violent crime control and law enforcement act, 1994*). The initial bill included \$3 billion for crime prevention and social services programs aimed to assist minorities and the poor – those at highest risk for offending and reoffending. However, just before the bill was submitted for a vote, that \$3 billion dollars was cut. This left the heavy handed law enforcement funding in place while removing what was to be the balance (Wheelock & Hartmann, 2007).

The war on drugs combined with Violent Crime Control and Law Enforcement Act and mandatory sentences resulted in a significant disparity in drug arrests. African Americans carried a far greater weight in arrests than did white Americans (Mitchell & Caudy, 2015). Convictions led to a prison population explosion with the African American population far exceeding the white population (Schlesinger, 2011).

While crime rates have generally decreased over the last four decades, minority prison populations have dramatically increased. African Americans make up approximately thirteen percent of the United States population while they comprise fifty percent of the prison population. Latinos are imprisoned three times and African Americans seven times the rate of white Americans (Stuntz, 2008, p. 1970).

In present day, slave patrols have been replaced with methods such as Stop and Frisk and Racial Profiling (Durr, 2015). Racial profiling during self-initiated contacts by police officers has been of particular interest. One study showed that, during traffic

stops, minority drivers were arrested 1.5 to 2.6 times more than white drivers (Tillyer & Engel, 2013, p. 372).

Centuries of unfair and unjust treatment at the hands of law enforcement drove African Americans and other minorities to respond and complain about these actions. Decades ago, those complainants were either ignored or suffered retaliation. When responses like that were no longer socially acceptable, law enforcement agencies would claim that there was no data to prove charges of racial discrimination (Glover, Penalosa, & Schlarman, 2010). Agencies would also discount their complaints claiming that they were just angry and overly sensitive (Covington, 2001). African Americans contesting their treatment were moderately validated when Florida State Police documents regarding a drug interdiction program called “Operation Pipeline” surfaced. The documents included instructions to specifically target African American drivers (Withrow, 2005).

This document was the catalyst for a law suit in the mid-1990s against the Maryland State Police. In 1992, Robert L. Wilkins, a black criminal defense attorney, filed suit against Maryland State Police after an officer conducted what Wilkins saw as a racially motivated stop (*Wilkins v. Maryland State Police*, 1993). Lamberth, a statistician, was asked to assist with the case. He developed a formula for measuring rates of police traffic stops by racial groups (Lamberth, 1998). Lamberth’s results supported reports and complaints by minority communities. He showed that the rate of traffic stops with black drivers far outweighed traffic stops with white drivers. The court sided with Wilkins. The decision required Maryland State Police to stop profiling drivers, train officers on the policy prohibiting profiling, and keep records on the race of

all drivers on traffic stops (Pampel, 2004). Prior to this decision, race-based traffic stop complaints could not be validated with actual data (Glover et al., 2010).

Just as the country was making progress toward equal treatment by law enforcement, the U.S. Supreme Court granted law enforcement enormous discretion under *Whren v. United States* in 1996. The court allowed for pretextual stops when officers were suspicious of a driver but had no reasonable suspicion or probable cause to make the traffic stop (*Whren et al. v. United States, 517 U.S. 806, 1996*).

The beginning of the twenty-first century saw demands for police reform related to racial profiling and discrimination. Focus on police behavior toward minorities intensified. Racial profiling became widely understood as the most consequential threat to police legitimacy (Miller, 2007). The suggestion is that bias-based policing could very well undermine police authority further deteriorating the public's trust of police (Miller, 2007). Individual states responded to the threat by legislative action. Twenty-six states passed laws prohibiting racial profiling by law enforcement; many also required the collection of traffic stop data from their respective agencies state-wide (Liederbach, Trulson, Fritsch, Caeti, & Taylor, 2007).

The state of Texas's journey to its racial profiling law may not greatly differ from other states except for the national attention it has received in the years leading up to the law's enactment. Racially biased incidents included the 1998 dragging death of James Byrd in Jasper (*Brewer v. State of Texas, 1999*) and the Tulia arrests of over half of its African American population (Nate, 2005). Years before Texas Senate Bill 1074 (*Racial profiling law, Texas code of criminal procedure 2.131-2.1385, 2001*) was approved, State Representative Senfronia Thompson (Democrat from Houston) made several attempts to

propose a law preventing racial profiling. Although Representative Thompson's bill moved through the hearing process, it never arrived for a full legislative body vote (Del Carmen, 2008).

Democrat State Senator from Dallas, Royce West, authored the first draft of the bill that would become law; the bill included language influenced by Texas civil rights leaders (Del Carmen, 2008). The first draft was provided to six major Texas city chief executive officers for review and requested feedback. Discussions between civil rights groups and law enforcement leaders yielded the final draft of the bill (Del Carmen, 2008). The State of Texas enacted its racial profiling law on September 1, 2001 in its seventy-seventh legislative session (*Racial profiling law, Texas code of criminal procedure 2.131-2.1385*, 2001). Texas Code of Criminal Procedure 2.131 prohibits racial profiling by peace officers (*Racial profiling law, Texas code of criminal procedure 2.131-2.1385*, 2001). Texas law enforcement agencies are required to provide public information related to a complaint process for racial profiling, collect demographic data on each self-initiated traffic stop made by police officers, and submit an analysis of this data to the state on an annual basis (*Racial profiling law, Texas code of criminal procedure 2.131-2.1385*, 2001).

The historical account of the Texas Racial Profiling bill's journey to enactment included pressure to rush the bill through without a comprehensive vetting of the details. Law enforcement agencies were not given a chance to absorb and understand how this might affect their organizations. No time was allowed to study the impact it would have on law enforcement agencies before a bill was introduced (Del Carmen, 2008).

Only six major Texas city chiefs were provided an opportunity to review the first draft of the bill (Del Carmen, 2008). Civil rights advocates were successful in their push to include requirement to collect pedestrian stop data, which was considered a “monumental task” by law enforcement representatives; many considered the mandate for video recording equipment as unfair to the Texas law enforcement agencies who could not afford such a purchase (Del Carmen, 2008, p. 80). Despite concerns voiced by the law enforcement community regarding the impact the requirements may have, the bill was approved in committee and passed into legislation. This caused much confusion throughout the state’s law enforcement agencies (Del Carmen, 2008).

With the many requirements in the new law, the primary focus was on the collection and reporting of traffic-contact data; there was confusion in how that data would be collected and used (Del Carmen, 2008). This scrutiny may have caused some apprehension among those most affected by the law: the patrol officers on the street. Officers expressed concern as to whether the data would dispel any suspicions of racial profiling or conclude that their traffic contacts indicated bias (Del Carmen, 2008).

The law requires Texas law enforcement executives to submit an annual report to their local councils or commissions which caused expected political controversy. The public exposure set off a journalistic trend placing law enforcement agencies across Texas on the defense (Del Carmen, 2008). Once the data was released, the numbers were the only story. Chief executive officers were given little opportunity to provide context for the data to the public because of the demands by civil rights leaders to explain the numbers (Del Carmen, 2008).

Since the implementation of the Texas racial profiling law (*Racial profiling law, Texas code of criminal procedure 2.131-2.1385, 2001*), very little if anything has been studied regarding the perceived impact on Texas law enforcement agencies. After fifteen years, it is important to examine how Texas law enforcement chief executives view this mandate as it relates to resources, budget, and morale. This study aims to examine any perceived effect on Texas law enforcement agencies since this unfunded mandate was implemented in 2001. The methodology of the survey research is reviewed in chapter three.

## CHAPTER 3

### METHODOLOGY

In this chapter three, the data collection process, analysis, and evaluation is explained. The data collection instrument was a 25-question survey prepared by the author and approved for execution by the IRB (Institutional Review Board for the Protection of Human Subjects). The survey was administered to Texas law enforcement agency chief executive officers in an attempt to measure the impact of Senate Bill 1074, the Texas Law on Racial Profiling (*Racial profiling law, Texas code of criminal procedure 2.131-2.1385, 2001*).

A list of electronic mail addresses of Texas law enforcement agency executives was obtained through North Texas Council of Governments. On February 8, 2017, an electronic email was sent to 2639 Texas law enforcement chief executive officers, requesting their participation in the survey by February 15, 2017. The email contained a link to the survey, [https://tarleton.az1.qualtrics.com/SE/?SID=SV\\_0CBdnh5SLf3Vbxj](https://tarleton.az1.qualtrics.com/SE/?SID=SV_0CBdnh5SLf3Vbxj), which was prepared by the author and administered through Qualtrics. A reminder email was sent on February 13, 2017.

The nature of the research is cross-sectional and quantitative, and seeks to examine how law enforcement chief executive officers perceive the racial profiling law has affected Texas law enforcement agency resources and operations since implementation in 2001 (*Racial profiling law, Texas code of criminal procedure 2.131-2.1385, 2001*). The survey data will be analyzed to determine if there is a correlation between the implementation of the racial profiling law and the perceived impact on



agencies' resources and operations dedicated to compliance (*Racial profiling law, Texas code of criminal procedure 2.131-2.1385, 2001*).

For purposes of this study, it is important to understand terminology in the context with which it is presented. Terms and legal explanations of the law are located in Appendix D.

### *Sample*

The Texas Commission on Law Enforcement provided a contact list for all Texas law enforcement chief executive officers. Of the 2639 agencies contacted, many were not required to comply with the current Texas racial profiling law (*Racial profiling law, Texas code of criminal procedure 2.131-2.1385, 2001*) due to their primary duties not including self-initiated traffic stops. These agencies included arson investigators, fire marshals, district courts, district attorney's offices, constables, river authorities, and water districts. A total of 1386 agencies qualified for the survey. The survey yielded 405 respondents, which is the sample size used in the study. All executives are incorporated to include state, county, municipal, college/university, independent school district, transit authority, and airport agencies. The respondents were surveyed to determine their perceptions of the current Texas racial profiling law (*Racial profiling law, Texas code of criminal procedure 2.131-2.1385, 2001*).

The survey included a disclaimer form (question #1), located at the beginning of the survey. The disclaimer provided respondents with rights as they relate to the survey and included a request for consent to use the respondents' responses for research; the form also advised respondents that they could discontinue the survey at any time. The

disclaimer included contact information for the IRB (Institutional Review Board for the Protection of Human Subjects) and for the author directly. The disclaimer ensured that the study would remain anonymous, and that cumulative results could be obtained upon request.

### *Survey Instrument*

The survey instrument was a 25-question survey administered through an electronic Qualtrics survey to obtain respondents' demographical information and determine their perceptions of the Texas racial profiling law (*Racial profiling law, Texas code of criminal procedure 2.131-2.1385, 2001*). The survey design by Qualtrics spaced the questions evenly throughout the survey and multiple responses were provided for the respondents. For easy entry into the Statistical Package for the Social Sciences (IBM SPSS Statistics 24) format, a majority of the questions submitted in the survey were closed-ended using a 5-point Likert scale.

For questions 2-15, each respondent was given a scale of 1-5, "1" representing the highest level of agreement (Agree Strongly), and "5" representing the highest level of disagreement (Disagree Strongly). The corresponding numbers between 1 and 5 represented agree, neutral, and disagree respectively. These survey questions were designed to determine the respondents' knowledge and opinion of the Texas racial profiling law (*Racial profiling law, Texas code of criminal procedure 2.131-2.1385, 2001*). The remaining questions regarding the demographics of the agency and its chief executive officer were designed in a Likert scale model, but the available responses for each question varied in number. Question 21, regarding ethnicity of the respondent,

included an open-ended option of “Other” to allow the respondent to provide an accurate description of ethnicity. Question 25, regarding the nature of the agency, included an open-ended option of “Other” to allow the respondent to provide an accurate description of the agency the respondent leads. In chapter four, the author will discuss the findings of the survey.

The hypothesis examined in this study is whether agency size impacts perceptions of the racial profiling law. More specifically, it was anticipated that law enforcement chief executives from smaller agencies would hold more negative perceptions of the racial profiling law. The independent variable is agency size as determined by number of officers. The dependent variable is perception of the racial profiling law.

## CHAPTER 4

### FINDINGS

As previously mentioned in chapter 3, in order to allow for easy entry into the Statistical Package for the Social Sciences (IBM SPSS Statistics 24) format, most of the questions within the survey were closed-ended using a 5-point Likert Scale.

For questions 2-15, each respondent was given a scale of 1-5, “1” representing the highest level of agreement (Agree Strongly), and “5” representing the highest level of disagreement (Disagree Strongly). The corresponding numbers between 1 and 5 represented agree, neutral, and disagree respectively. These survey questions were designed to determine the respondents’ knowledge and opinion of the Texas racial profiling law (*Racial profiling law, Texas code of criminal procedure 2.131-2.1385, 2001*).

The remaining questions regarding the demographics of the agency and its chief executive officer were designed in a Likert scale model, but the available responses for each question varied in number. Question 21, regarding ethnicity of the respondent, included an open-ended option of “Other” to allow the respondent to provide an accurate reflection of the respondent’s ethnicity. Question 25, regarding the nature of the agency, included an open-ended option of “Other” to allow the respondent to provide an accurate description of the agency the respondent leads.

#### *Demographical Information*

At the conclusion of the survey, 405 Texas law enforcement chief executive officers responded. The frequencies and percentages of the demographic information are included in Table 4.1 below.

Table 4.1 – Demographic Frequencies and Percentages

<b>Demographic</b>	<b>Response Choices</b>	<b>Number N</b>	<b>Percentage %</b>
<b>Gender</b>	Male	367	90.6%
	Female	11	2.7%
<b>Law Enforcement Experience</b>	<b>Response Choices</b>	<b>Number N</b>	<b>Percentage %</b>
	10 years or fewer	23	5.7%
	11-20 years	72	17.8%
	21-30 years	120	29.6%
	31 years or more	162	40.0%
<b>Chief Executive Experience</b>	<b>Response Choices</b>	<b>Number N</b>	<b>Percentage %</b>
	10 years or fewer	192	47.4%
	11-20 years	113	27.9%
	21-30 years	48	11.9%
	31 years or more	27	6.7%
<b>Age</b>	<b>Response Choices</b>	<b>Number N</b>	<b>Percentage %</b>
	32 years or younger	4	1.0%
	33-51 years	146	36.0%
	52 years or older	231	57%
<b>Race/Ethnicity</b>	<b>Response Choices</b>	<b>Number N</b>	<b>Percentage %</b>
	African American	14	3.5%
	Asian/Pacific	1	0.2%
	Caucasian	305	75.3%
	Hispanic	46	11.4%
	Native American	5	1.2%
	Other	7	1.7%
<b>Education Completed</b>	<b>Response Choices</b>	<b>Number N</b>	<b>Percentage %</b>
	High School	14	5.9%
	Some College	1	27.7%
	Associate's Degree	305	12.3%
	Bachelor's Degree	46	25.7%
	Master's Degree	5	21.2%
	Doctorate	7	1.0%

<b>Number of Sworn Officers</b>	<b>Response Choices</b>	<b>Number N</b>	<b>Percentage %</b>
	1-24	271	66.9%
	25-199	100	24.7%
	200-499	9	2.2%
	500-999	1	0.2%
<b>Region of Agency</b>	<b>Response Choices</b>	<b>Number N</b>	<b>Percentage %</b>
	Region 1 – Panhandle	32	7.9%
	Region 2 – West Texas	35	8.6%
	Region 3 – South Texas	44	10.9%
	Region 4 – South East Texas	56	13.8%
	Region 5 – North East Texas	54	13.3%
	Region 6 – North Central Texas	105	25.9%
	Region 7 – Central Texas	54	13.3%
<b>Nature of Agency</b>	<b>Response Choices</b>	<b>Number N</b>	<b>Percentage %</b>
	State	2	0.5%
	County	92	22.7%
	Municipality	245	60.5%
	College/University	19	4.7%
	Independent School District	16	4.0%
	Transit Authority	2	0.5%
	Airport	2	0.5%
	Other	7	1.7%
<b>Community Population</b>	<b>Response Choices</b>	<b>Number N</b>	<b>Percentage %</b>
	Under 10,000	185	45.7%
	10,000-49,999	122	30.1%
	50,000-99,999	26	6.4%
	100,000-499,999	42	10.4%
	500,000 or more	10	2.5%

As illustrated in the above table, the majority of respondents were Caucasian males who have 31 years or more of law enforcement experience with 10 years or fewer of chief executive officer experience. Most respondents have an Associate’s degree, lead agencies with 1-24 sworn officers in communities with populations under 10,000.

More respondents from municipal agencies responded; a majority of the respondents' agencies are located in the North Central region of Texas.

Chief executive officers responded with 90.6% male respondents (367), and 2.7% female respondents (11); 27 respondents chose not to provide their gender. Among the respondents, 5.7% have 10 or fewer years law enforcement experience (23); 17.8% have 11-20 years of law enforcement experience (72); 29.6% have 21-30 years of law enforcement experience (120); and 40% have 31 years or more of overall law enforcement experience (162); 28 respondents chose not to respond to this question. Respondents with 10 or fewer years of chief executive officer experience totaled 47.4% (192); 27.9% have 11-20 years CEO experience (113); 11.9% have 21-30 years of experience (48); and 6.7% have 31 or more years of chief executive officer experience (27); 25 respondents chose not to respond to this question.

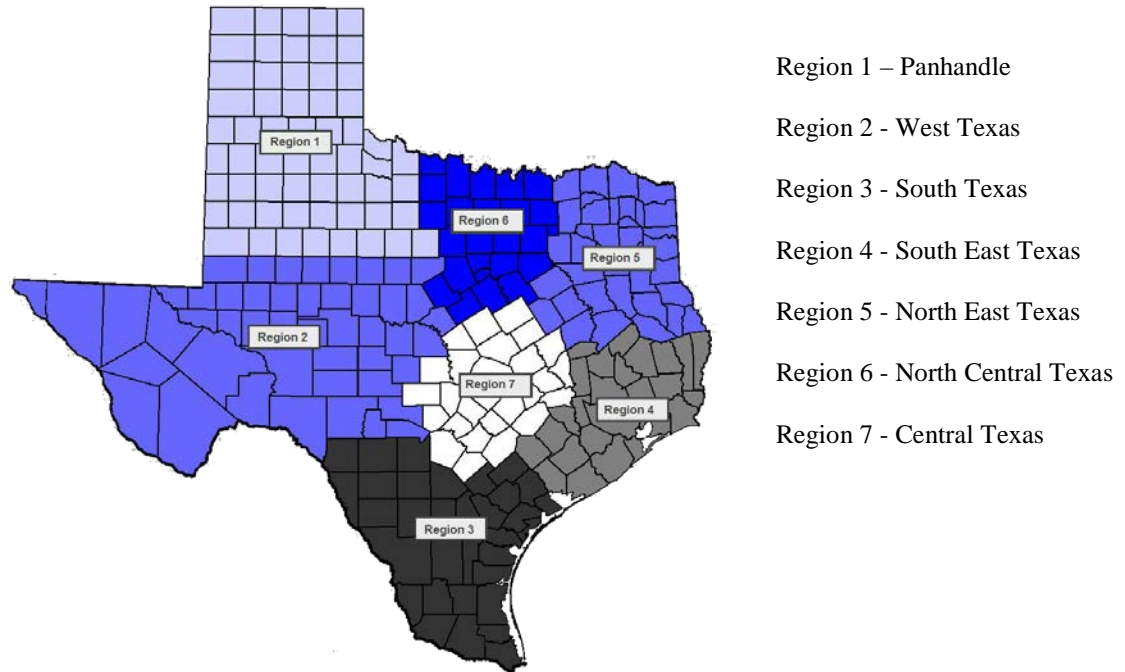
The age of chief executive officers began with 1% being 32 years of age or younger (4); 36% were 33-51 years of age (146); while the majority of the chief executive officers, 57%, were 52 years of age or older (231); 24 respondents chose not to respond to this question. The vast majority of respondents, 75.3%, selected Caucasian as the best representation of race/ethnicity (305); African Americans made up 3.5% of the respondents (14); .2% identified as Asian/Pacific Islander (1); 11.4% were Hispanic (46); 1.2% were Native American (5); and 4 respondents responded to the open-ended "Other" option where one respondent each self-identified as "Czech/German", "human", "Mixed", and "N/A"; 27 respondents chose not to respond to this question.

The Highest Level of Education Completed question yielded 5.9% with a high school diploma (24); 27.7% with some college (112); 12% with an associate's degree

(50); 25.7% with a bachelor's degree (104); and 21.2% with a master's degree (86); 25 respondents chose not to respond to this question. Number of Sworn Officers response yielded 66.9% of responses from agencies with 1-24 officers (271); 24.7% of responses from agencies with 25-199 officers (100); 2.2% of responses from agencies with 200-499 officers (9); .2% of responses from agencies with 500-999 officers (1); no responses were received from agencies with 1000 or more officers; 24 respondents chose not to respond to this question. Respondents were asked to identify which region of Texas they were located, according to Texas Commission on Law Enforcement's Regional Support Map. Region 1 – Panhandle agencies returned 7.9% of the responses (32); Region 2 – West Texas agencies returned 8.6% of the responses (35); Region 3 – South Texas agencies returned 10.9% of the responses (44); Region 4 – South East Texas agencies returned 13.8% of the responses (56); Region 5 – North East Texas returned 13.3% of the responses (54); Region 6 – North Central Texas returned the majority of responses at 25.9% (105); while Region 7 – Central Texas returned 13.3% of the responses (54); 25 respondents chose not to respond to this question.



Figure 4.1 – Texas Commission on Law Enforcement’s Regional Support Map



Respondents were asked to select what best describes the nature of the agency they lead. State agencies comprised .5% of the respondents (2); county agencies comprised 22.7% of the respondents (92); municipal agencies comprised 60.5% of the respondents (245); college/university agencies comprised 4.7% of the respondents (19); independent school district agencies comprised 4% of the respondents (16); transit authority agencies comprised and airport agencies each comprised .5% of the respondents (2 each). Seven agencies (1.7%) selected the open-ended “Other” option, but none of the seven entered the type of agency in the available write-in area of the option; 20 respondents chose not to respond to this question. The community population question revealed that 45.7% of agencies had a population under 10,000 (185); 30.1% of agencies

have a population of 10,000 – 49,999 (122); 6.4% agencies have a population of 50,000 – 99,999 (26); 10.4% of agencies have a population of 100,000 – 499,999 (42); and 2.5% of agencies have a population of 500,000 or more (10); 20 respondents chose not to respond to this question.

#### *Number of Sworn Officers Findings*

For purposes of this study, the variable in question was determined to be the difference in responses among the Number of Sworn Officers employed in the agencies, which were initially reflected in five distinct sections: 1-24; 25-199; 200-499; 500-999; and 1000 or more. Using Statistical Package for the Social Sciences (IBM SPSS Statistics 24) software, the controlling variable (Number of Sworn Officers) was recoded into a two-way response. Variable response “1-24” remained as option one. All other variable responses were recoded into a single response called “25 officers or more”. Among agency chief executive officers with 1-24 officers yielded 66.9% of responses to this question (271), while 27.2% agency chief executive officers responded to this question (110); 24 respondents chose not to respond to this question.

Focusing on the size of the agency provides perspective into how smaller agencies have adapted to requirements of the Texas Racial Profiling law (*Racial profiling law, Texas code of criminal procedure 2.131-2.1385, 2001*). Because the majority of Texas agencies have 1-24 officers, it is important to examine the differences in responses between these smaller agencies and larger agencies as it relates to resources and understanding of the racial profiling law.

A list of 15 variables was used in order to determine the respondents’ perceptions and opinions in regards to the perceived impact of the Texas Racial Profiling Law (*Racial*

*profiling law, Texas code of criminal procedure 2.131-2.1385, 2001) on Texas law enforcement agencies. A complete list of the means of both recoded responses for “1-24 officers” and “25 or more officers”, accompanied by the t-test comparisons are displayed in Table 4.2 below:*

Table 4.2 – Number of Officers Means and T-Test Comparisons

Survey Questions	1-24 Officers Mean	25 Officers or More Mean	T-Test Comparison
My agency is in compliance with Texas Code of Criminal Procedure 2.131, prohibition on racial profiling.	1.18	1.17	.876
Overall, my employees feel reasonably favorable toward the Racial Profiling Law requirements.	1.96	2.13	.068
Overall, my command staff feels reasonably favorable toward the Racial Profiling Law requirements.	1.93	2.03	.327
Most of my employees understand the purpose of the Racial Profiling Law requirements.	1.72	1.78	.423
Most of our citizens understand the purpose of the Racial Profiling Law requirements.	2.74	2.78	.664
My agency did receive funding or equipment as detailed in Texas Code of Criminal Procedure 2.137.	3.75	3.67	.495
My agency did qualify for a partial exemption as detailed in Texas Code of Criminal Procedure 2.135.	2.21	2.09	.276
My agency experienced a negative financial impact in order to comply with Texas Racial Profiling Law requirements.	3.36	3.06	<b>.012*</b>
My agency did need to hire additional personnel in order to comply with Texas Racial Profiling Law requirements.	4.03	3.85	.057
My agency regularly relies on outside assistance (i.e. consultants) in order to comply with Texas Racial Profiling Law requirements.	4.05	3.70	<b>.008*</b>
My agency did purchase new or upgraded computer software in order to comply with Texas Racial Profiling Law requirements.	3.46	3.08	<b>.002*</b>
I feel that the Racial Profiling Law has prevented incidents of racial profiling.	3.14	3.24	.381
The Racial Profiling Law was helpful in setting the tone of “zero tolerance” on racism.	2.99	2.90	.449
We can measure racial profiling with the statistical requirements set forth in the Racial Profiling Law.	3.13	3.31	.123

\* Statistically Significant at the .05 level

In this case of the 15 variables, 3 showed to be statistically significant at the .05 level, the first of which being the variable, “My agency experienced a negative financial impact in order to comply with Texas Racial Profiling Law requirements”. The mean for agencies with 1-24 officers was 3.36 while the mean for agencies with 25 or more officers was 3.06, producing a means comparison of .012. These findings indicate that agencies with 1-24 officers or more responded with a neutral to a disagreement response with the statement, while agencies with 25 or more officers were neutral.

The second variable that demonstrated a statistical significance in the responses between agencies with 1-24 officers and 25 or more officers was, “My agency regularly relies on outside assistance (i.e. consultants) in order to comply with Texas Racial Profiling law requirements”. The mean for agencies with 1-24 officers was 4.05 while agencies with 25 or more officers was 3.70, producing a means comparison of .008. These findings indicate that agencies with 25 or more officers disagreed with the statement at a statistically stronger rate.

The third variable that demonstrated a statistical significance in the responses was, “My agency did purchase new or upgraded computer software in order to comply with Texas Racial Profiling Law requirements”. Agencies with 1-24 officers had a mean of 3.46 while agencies with 25 or more officers had a mean of 3.08, which yielded a means comparison of .002. These findings indicate that agencies with 25 or more officers were more neutral in their responses, while agencies with 1-24 officers responded with neutral to disagreement responses.

The initial variable showing no statistical significance between agencies with 1-24 officers and 25 or more officers was “My agency is in compliance with Texas Code of

Criminal Procedure 2.131, prohibition on racial profiling”. Responses from agencies with 1-24 officers produced a mean of 1.18 while agencies with 25 or more officers produced a mean of 1.17. This indicates that both groups strongly agreed with the statement.

The next variable showing no statistical significance in responses was, “Overall, my command staff feels reasonably favorable toward the Racial Profiling Law requirements”. Agencies with 1-24 officers produced a mean of 1.93 while agencies with 25 or more officers produced a mean of 2.03. The mean responses indicate that both groups agreed with the statement.

The next variable showing no statistical significance in responses was, “Most of my employees understand the purpose of the Racial Profiling Law requirements”. Agencies with 1-24 officers produced a mean of 1.72 while agencies with 25 or more officers produced a mean of 1.78. The mean responses indicate that both groups leaned toward agreement with the statement.

“Most of our citizens understand the purpose of the Racial Profiling Law requirements” variable showed no statistical significance between the two groups. The mean for agencies with 1-24 officers was 2.74 while the mean for agencies with 25 or more officers was 2.78. Both groups leaned more toward a neutral response.

“My agency did receive funding or equipment as detailed in Texas Code of Criminal Procedure 2.137” variable indicated no statistical significance between the agency groups. Agencies with 1-24 officers responded with a 3.75 mean while agencies with 25 or more officers responded with a 3.67 mean. The responses indicated that the groups were neutral with a leaning toward disagreement with this statement.

The variable, “My agency did qualify for a partial exemption as detailed in Texas Code of Criminal Procedure 2.135”, had no statistical significance between the two groups. Agencies with 1-24 officers produced a mean of 2.21 while agencies with 25 or more officers produced a mean 2.09. Indications are that, on average, both groups did qualify for partial exemptions to the law.

The variable, “My agency did need to hire additional personnel in order to comply with Texas Racial Profiling Law requirements”, had no statistical significance between the two groups. Agencies with 1-24 officers produced a mean of 4.03 while agencies with 25 or more officers produced a mean 3.85. The t-test comparison to this statement was .057, which was not quite at the level to be considered statistically significant at the .05 level. However, indications are that agencies with 1-24 officers disagreed with this statement at a higher rate than agencies with 25 or more officers.

“I feel that the Racial Profiling Law has prevented incidents of racial profiling” variable indicated no statistical significance between the agency groups. Agencies with 1-24 officers responded with a 3.14 mean while agencies with 25 or more officers responded with a 3.24 mean. The responses indicate that the groups were neutral regarding this statement.

The next variable showing no statistical significance in responses was, “The Racial Profiling Law was helpful in setting the tone of ‘zero tolerance’ on racism”. Agencies with 1-24 officers produced a mean of 2.99 while agencies with 25 or more officers produced a mean of 2.90. Both groups responded with an indication of neutrality regarding this statement.

The variable, “We can measure racial profiling with the statistical requirements set forth in the Racial Profiling Law”, demonstrated no statistical significance between the two groups. Agencies with 1-24 officers produced a mean of 3.13 while agencies with 25 or more officers produced a mean 3.31. Indications are that, on average, both groups responded neutrally to this statement. A cross-tabulation was conducted for the variable, “The Racial Profiling law requirements have impacted my budget by: 01%; 2-5%; 6-9%; 10-13%; or 14% or more”.

Table 4.3 – Cross-tabulation of perceived budget impact controlling for number of officers

Variable	Response Choices	Agencies with 1-24 officers		Agencies with 25 or more officers		Total	
		Number N	Percentage %	Number N	Percentage %	Number N	Percentage %
The Racial Profiling law requirements have impacted my budget by:	0-1%	179	66.3%	59	54.6%	238	63.0%
	2-5%	49	18.1%	31	28.7%	80	21.2%
	6-9%	24	8.9%	11	10.2%	35	9.3%
	10-13%	11	4.1%	3	2.8%	14	3.7%
	14% or more	7	2.6%	4	3.7%	11	2.9%

The pattern in the above table indicates 63% (238) of total respondents experienced little to no impact on their budgets (0-1%) related to compliance with the Texas Racial Profiling law (*Racial profiling law, Texas code of criminal procedure 2.131-2.1385, 2001*). Agencies with 1-24 officers yielded a 66.3% (179) response rate to the 0-1% budget impact selection; 54.6% (59) of agencies with 25 or more officers responded with 0-1%. Among agencies with 1-24 officers, 18.1% (49) reported a 2-5% budget impact; 28.7% (31) of agencies with 25 or more officers reported the same budget impact of 2-5%.



Budget impact of 6-9% received an 8.9% (24) response rate from agencies with 1-24 officers, while agencies with 25 or more officers responded with 10.2% (11). Agencies with 1-24 officers responded to the 10-13% budget impact at 4.1% (11); agencies with 25 or more officers responded at 2.8% (3). Among agencies that responded to the budget impact of 14% or more, agencies with 1-24 officers yielded a 2.6% (7) response rate; and agencies with 25 or more officers yielded 3.7% (4). In Chapter 5, there will be a discussion and analysis of findings provided in Chapter 4, presenting policy implications and recommendations for future research.

## CHAPTER 5

### DISCUSSION

The findings of this research are based on perceived impacts of the racial profiling law (*Racial profiling law, Texas code of criminal procedure 2.131-2.1385, 2001*) variables. The principal focus of this research is an assessment of perception variables regarding law enforcement agency sworn officer rates, specifically in those law enforcement agencies who responded to the study. The findings introduced in Chapter 4 reveal some significant differences in the responses offered while controlling for the number of officers employed by the agencies.

#### *Agency Number of Officers – Statistically Significant Findings*

The variable “My agency experienced a negative financial impact in order to comply with Texas Racial Profiling Law requirements”, while controlling for the agency’s number of officers, revealed a statistically significant difference in responses between agencies with 1-24 officers and agencies with 25 or more officers. These findings suggest that agencies with 1-24 officers perceived less of a negative impact on their budgets than agencies with 25 or more officers. Smaller agencies have fewer employees to train, produce fewer self-initiated traffic stops, and require fewer resources to collect and track the required information for the annual report. Therefore, the financial burden on smaller agencies was less than the burden on larger agencies. In contrast both groups indicated that the impact on their budgets ranged from 0% - 5%, which was statistically insignificant difference.

Another variable that demonstrated statistically significant differences in the responses between agencies with 1-24 officers and 25 or more officers was, “My agency

regularly relies on outside assistance (i.e. consultants) in order to comply with Texas Racial Profiling law requirements”. These findings indicate that agencies with 25 or more officers, with a neutral to disagreement response, require outside assistance with tracking, collection, and analysis of the traffic stop data more than agencies with 1-24 officers, which responded with disagreement. The volume of data that is collected and retained by larger agencies requires more sophisticated means of complying with the Texas Racial Profiling law’s individual mandates (*Racial profiling law, Texas code of criminal procedure 2.131-2.1385, 2001*). Agencies, which produce a high volume of traffic stop data with variations or errors that need to be reviewed and maybe corrected, depend on subject matter experts to conduct the analysis of the data. Smaller agencies have less data and can often comply by relying on their own employees.

The final variable that demonstrated statistical significance in responses was, “My agency did purchase new or upgraded computer software in order to comply with Texas Racial Profiling Law requirements”. The responses from both groups were in the neutral range with agencies with 1-24 officers leaning toward disagreement; agencies with 25 or more officers had a more neutral response to the question. The data indicates that the larger agencies felt the need to purchase new or upgraded equipment to comply with the law as compared to agencies with 1-24 officers. Again, larger agencies producing more data would need new or upgraded software to collect and retain that data; they would also need the appropriate software to correctly analyze the larger amount of data produced by more officers. While agencies with 1-24 officers may not have felt the need for new or upgraded equipment to maintain the data collected.

These statistically significant findings indicate that agencies with 25 or more officers perceived more of an impact in relation to their budgets, their need for outside assistance, and their purchase of new or upgraded computer software to comply with the requirements of the Texas Racial Profiling law (*Racial profiling law, Texas code of criminal procedure 2.131-2.1385, 2001*).

*Agency Number of Officers – Findings with No Statistical Significance*

Most of the responses by agencies with 1-24 officers and agencies with 25 or more officers were similar. Both groups strongly agreed that they were in compliance with the Texas Racial Profiling law requirements (*Racial profiling law, Texas code of criminal procedure 2.131-2.1385, 2001*). Both groups agreed that their employees and command staffs feel generally favorable toward the Texas Racial Profiling law requirements (*Racial profiling law, Texas code of criminal procedure 2.131-2.1385, 2001*).

Agencies with 1-24 officers and agencies with 25 or more officers agreed that their employees understand the purpose of the law. The groups also agreed, although at a lesser rate, that the citizens they serve understand the purpose of the law. The groups were neutral in their responses to the statement related to feeling that the law did prevent incidents of racial profiling; neutral responses were received from both groups to the statement related to the feeling that the law helps set the tone for “zero tolerance” on racism. The groups were also neutral in the belief they can measure racial profiling with the statistical requirements set forth in the law.

The survey data indicated that agencies with 1-24 officer and agencies with 25 or more officers received partial exemptions as detailed in the Texas Racial Profiling law

*(Racial profiling law, Texas code of criminal procedure 2.131-2.1385, 2001)*; both groups provided neutral to disagreement responses regarding receiving funding or equipment as detailed in the law.

### *Policy Implications*

After sixteen years, the perceived impact of the Texas Racial Profiling law *(Racial profiling law, Texas code of criminal procedure 2.131-2.1385, 2001)* on law enforcement agencies is still not fully understood. The lack of preparedness prior to passing this legislation caused agencies to struggle with how to comply with the law's requirements. The lack of research also hindered legislators from finding effective solutions to the funding issues for agencies with limited resources. Perhaps much of the confusion and frustration by law enforcement agencies could have been avoided had subject matter experts conducted a potential impact study prior to a bill proposal.

It is important to examine how law enforcement chief executive officers perceive the impact of this unfunded mandate in order to determine its future. Responses to whether the law prevents incidents of racial profiling, being helpful in setting a "zero tolerance" tone regarding racism, and their ability to measure racial profiling with the law's statistical requirements are major factors in determining if states will continue to comply with the law without more comprehensive state funding. The average response to each of the three questions was at or near the neutral mark; which indicates, in general, agencies are hesitant to give the law much support. As the law stands, intentional non-compliance results in a \$1000 civil penalty *(Racial profiling law, Texas code of criminal procedure 2.1385, 2001)*. Law enforcement leaders may see this nominal consequence and refusal to fund the requirements as the state's lack of confidence or interest in the law

itself. Texas agencies with restricted budgets may find it more beneficial to pay the penalty rather than to pay for the collection, retention and analysis of their traffic stop data.

Texas policymakers should be concerned about the perceptions of law enforcement chief executive officers regarding the Texas Racial Profiling law (*Racial profiling law, Texas code of criminal procedure 2.131-2.1385, 2001*) because of the influence they have on their local governments. Chief executive officers' tepid responses regarding the reliability and validity of the law indicate they are unsure of the law's ability to actually stop racial profiling. Without strong support from the law enforcement leaders, compliance could potentially wane. Supporting an unfunded mandate that does not have the results intended may not stand. At present, a Houston Congressman has issued introduced a bill related to racial profiling which would prohibit consensual searches during self-initiated traffic stops. Texas Congress would benefit from examining the results of the research conducted in this study prior to moving forward with additional legislation on the racial profiling law. Understanding how police practitioners view the current law may help shape any future amendments.

#### *Limitations*

Using a survey as the instrument for data collection will have its limitations. The sample is a non-random sample; it is a convenience sample targeting Texas law enforcement chief executive officers. The quality of the analysis is dependent upon the response rate from the participants; the length of time allowed to collect and analyze the data may also be limited. For crime and criminal justice issues, surveys can present specific advantages and disadvantages. Surveys are useful when a researcher is gathering

responses from a large population, such 2639 Texas law enforcement chief executive officers. Surveys are often high on reliability and generalization, which means that the data results can be translated to real world utilization (Maxfield & Babbie, 2015).

Survey research may be found lacking when attempting to ensure all persons contacted understand the questions, which means the questions must be very clear and simple in their design. That can make it difficult to obtain comprehensive data from respondents; the questions may be considered superficial when trying to cover complex issues. Researchers often see that standard survey questions are not sufficient to obtain quality statistical information for criminal justice concepts (Maxfield & Babbie, 2015).

### *Conclusion*

Racial profiling is a reality for American society. While there exists a comprehensive collection of literature on racial profiling itself, no research was found on the racial profiling law's perceived effects. This is one of the few circumstances where researchers felt the need to measure the perceived impact the Texas Racial Profiling law (*Racial profiling law, Texas code of criminal procedure 2.131-2.1385, 2001*) has on police practitioners. This research offers Texas law enforcement chief executive officers' opinions on the current perceived impact of the Texas Racial Profiling law (*Racial profiling law, Texas code of criminal procedure 2.131-2.1385, 2001*) with special attention given to the implications the law had based on the number of officers employed by the agencies.

Future research on this topic is recommended and should produce important additional information by controlling for other demographics in the data set. These may include type of law enforcement agency, the population of the agency's community, and

agency region location. Additional research focusing on the police officers who are directly affected in an operational capacity may provide a more accurate picture of their perception of the law. A deeper investigation into the perceptions of the financial impact of the law may provide more insight into how much credibility the law holds with the agencies.

It is incumbent upon law enforcement officers to uphold the highest level of integrity by enforcing Texas laws equally. Understanding the perceived impact of the Texas Racial Profiling law (*Racial profiling law, Texas code of criminal procedure 2.131-2.1385, 2001*) on law enforcement agencies could provide insight into what support is necessary to ensure the agencies comply with the requirements. The data obtained in this study provides a glimpse into how Texas chief executive officers perceive the law's impact on their own agencies.

For chief law enforcement executive officers, perception is reality when considering the implications of the racial profiling law. Their reality is that society has increasingly depended on police officers to take on responsibilities that extend beyond the scope of their occupation. Racism is a far-reaching social issue that legislators and the public expect police officers to solve with an unfunded mandate.

Every societal failure, we put it on the cops to solve. Not enough mental health funding, let the cop handle it. Not enough drug addiction funding, let's give it to the cops...Schools fail, give it to the cops...That's too much to ask. Policing was never meant to solve all those problems (Brown, 2016).



Texas law enforcement agencies continue to face the challenge of unrealistic expectations placed on them by society through a law which provides little to no financial support and no perceived measure of success in measuring or combatting racial profiling.

## References

- Amnesty, I. (2004). *Threat and humiliation: Racial profiling, domestic security and human rights in the United States*.
- Barlow, D. E., & Barlow, M. H. (2002). Racial profiling: A survey of african american police officers. *Police Quarterly*, 5(3), 334–358.
- Brewer v. State of Texas (1999).
- Brown, D. (2016). Press briefing with Dallas police chief David Brown. Retrieved from <https://qz.com/729378/dallas-police-chief-david-brown-were-asking-cops-to-do-too-much-in-this-country/>
- Byrd, W. C. (2011). Conflating apples and oranges: Understanding modern forms of racism. *Sociology Compass*, 5(11), 1005–1017. <http://doi.org/10.1111/j.1751-9020.2011.00420.x>
- Chief executive officer definition. (2007). *Burton's Legal Thesaurus, 4E*. Retrieved from <http://legal-dictionary.thefreedictionary.com/chief+executive+officer>
- Cochran, J. C., & Warren, P. Y. (2012). Racial, ethnic, and gender differences in perceptions of the police: The salience of officer race within the context of racial profiling. *Journal of Contemporary Criminal Justice*, 28(2), 206–227. <http://doi.org/10.1177/1043986211425726>
- Covington, J. (2001). Round up the usual suspects: Racial profiling and the war on drugs. In D. Milovanovic 1948- & K. Russell-Brown 1961- (Eds.), *Petit apartheid in the U.S. criminal justice system : The dark figure of racism* (pp. 27–42). Durham, NC: Carolina Academic Press.
- Del Carmen, A. (2008). *Racial Profiling in America*. Prentice Hall.

- Durr, M. (2015). What is the difference between slave patrols and modern day policing? Institutional violence in a community of color. *Critical Sociology*, 41(6), 873–879. <http://doi.org/10.1177/0896920515594766>
- Fiske, S. T., & Neuberg, S. L. (1990). A continuum of impression formation, from category-based to individuating processes: Influences of information and motivation on attention and interpretation. *Advances in Experimental Social Psychology*, 23, 1–74.
- Gamson, W. A., & Lasch, K. E. (1983, January 1). The political culture of social welfare policy. *Evaluating the Welfare State: Social and Political Perspectives*. Elsevier Inc. Retrieved from <http://10.0.3.248/B978-0-12-657980-2.50032-2>
- Glover, K. S., Penalosa, M., & Schlarmann, A. (2010). Racial profiling and traffic stops: An examination of research approaches and findings in the war on drugs. *Sociology Compass*, 4(8), 605–615. <http://doi.org/10.1111/j.1751-9020.2010.00302.x>
- Graziano, L., Schuck, A., & Martin, C. (2010). Police misconduct, media coverage, and public perceptions of racial profiling: An experiment. *Justice Quarterly*, 27(1), 52–76. <http://doi.org/10.1080/07418820902763046>
- Gregory, S. (2010). Cameras everywhere: Ubiquitous video documentation of human rights, new forms of video advocacy, and considerations of safety, security, dignity and consent. *Journal of Human Rights Practice*, 2(2), 191–207.
- H.R. 3355 1994 Violent crime control and law enforcement act (1994). United States House of Representatives.
- Hadden, S. (2003). *Slave patrols: Law and violence in Virginia and the Carolinas*. Cambridge, MA: Harvard University Press.

- Harris, D. A. (2006). U.S. experiences with racial and ethnic profiling: History, current issues, and the future. *Critical Criminology*, 14(3), 213–239.  
<http://doi.org/10.1007/s10612-006-9011-3>
- Iyengar, S. (1991). *Is anyone responsible?* Chicago: Chicago Press.
- Jussim, L. (1991). Social perception and social reality : A reflection-construction model. *Psychological Review*, 98(1), 54–73.
- Lamberth, J. (1998). Driving while black: A statistician proves that prejudice still rules the road. *The Washington Post*. Washington Post News Service with Bloomberg News.
- Lasley, J. R. (1994). The impact of the Rodney King incident on citizen attitudes toward police. *Policing and Society*, 3(4), 245–255.
- Liederbach, J., Trulson, C. R., Fritsch, E. J., Caeti, T. J., & Taylor, R. W. (2007). Racial profiling and the political demand for data: A pilot study designed to improve methodologies in Texas. *Criminal Justice Review*, 32(2), 101–120.  
<http://doi.org/10.1177/0734016807300499>
- Maxfield, M. G., & Babbie, E. R. (2015). *Research methods for criminal justice and criminology* (7th ed.). Stamford, CT: Cengage Learning.
- Miller, K. (2007). Racial profiling and postmodern society: Police responsiveness, image maintenance , and the left flank of police legitimacy. *Journal of Contemporary Criminal Justice*, 23(3), 248–262.
- Mitchell, O., & Caudy, M. S. (2015). Examining racial disparities in drug arrests. *JQ: Justice Quarterly*, 32(2), 288–313. <http://doi.org/10.0.4.56/07418825.2012.761721>
- Myrdal, G. (1944). *An american dilemma: The negro problem and modern democracy*.

- New York: Harper.
- Nate, B. (2005). *Tulia: race, cocaine, and corruption in a small Texas town*. New York: Public Affairs.
- National Institute of Justice definition of racial profiling.pdf. (2013). Retrieved from <http://www.nij.gov/topics/law-enforcement/legitimacy/pages/racial-profiling.aspx>
- Pampel, F. C. (2004). *Racial profiling*. New York: Facts on File, Inc.
- Racial profiling law, Texas code of criminal procedure 2.131-2.1385, Texas Code of Criminal Procedure (2001). United States: Texas Constitution and Statutes. Retrieved from <http://www.statutes.legis.state.tx.us/?link=CR>
- Reaves, B. A. (2011). *Census of state and local law enforcement agencies, 2008 bulletin i. Bureau of Justice Statistics, Office of Justice Programs* (Vol. 0). Retrieved from <http://www.bjs.gov/content/pub/pdf/cs1lea08.pdf>
- Rickford, R. (2016). Black lives matter: Toward a modern practice of mass struggle. *New Labor Forum* (Sage Publications Inc.), 25(1), 34–42. <http://doi.org/10.1177/1095796015620171>
- Robin, G. D. (1963). Justifiable homicide by police officers. *The Journal of Criminal Law, Criminology, and Police Science*, 54(2), 225–231. <http://doi.org/10.2307/1141171>
- Salmond, J. (2009). The long civil rights movement. *Agora*, 44(4), 20–25.
- Schlesinger, T. (2011). The failure of race neutral policies: How mandatory terms and sentencing enhancements contribute to mass racialized incarceration. *Crime & Delinquency*.
- Skogan, W. G., & Meares, T. L. (2004). Lawful policing. *The Annals of the American*

- Academy of Political and Social Science*, 593(1), 66–83.  
<http://doi.org/10.1177/0002716204263637>
- Skolnick, J. (1969). *The politics of protest: A report to the national commission on the causes and prevention of violence*. New York: Ballantine Books.
- Skolnick, J. (2007). Racial profiling—then and now. *Criminology & Public Policy*, 6(1), 65–70. <http://doi.org/10.1111/j.1745-9133.2007.00422.x>
- Stuntz, W. J. (2008). Unequal justice. *Harvard Law Review*, 121(1969), 1970–2040.
- Terry v. Ohio (1968).
- Tillyer, R., & Engel, R. S. (2013). The impact of drivers' race, gender, and age during traffic stops: Assessing interaction terms and the social conditioning model. *Crime & Delinquency*, 59(3), 369–395. <http://doi.org/10.1177/0011128710389583>
- Weitzer, R. (2002). Incidents of police misconduct and public opinion. *Journal of Criminal Justice*, 30(5), 397–408. [http://doi.org/10.1016/S0047-2352\(02\)00150-2](http://doi.org/10.1016/S0047-2352(02)00150-2)
- Weitzer, R., & Tuch, S. a. (2005). Racially Biased Policing: Determinants of Citizen Perceptions. *Social Forces*, 83(3), 1009–1030. <http://doi.org/10.1353/sof.2005.0050>
- Westley, W. (1971). *Violence and the police: A sociological study of law, custom, and morality*. Mit Press.
- Wheelock, D., & Hartmann, D. (2007). Midnight basketball and the 1994 crime bill debates: The operation of a racial code. *The Sociological Quarterly*, 48(2), 315–342.
- Whren et al. v. United States, 517 U.S. 806 (1996).
- Wilcox, W. L. (n.d.). A small police department's success.
- Wilkins v. Maryland State Police (1993).
- Withrow, B. L. (2005). *Racial profiling : From rhetoric to reason*. Upper Saddle River,

NJ: Pearson College Div.

APPENDIX A  
REQUEST EMAIL

Email subject: Survey regarding Texas Racial Profiling Law from Amanda L. Moss at Tarleton State University

Dear Chief Executive Officer,

I am a graduate student at Tarleton State University. I am working on my thesis regarding the perceived impact of Code of Criminal Procedure 2.131, Racial Profiling Law, on Texas law enforcement agencies.

As a Texas law enforcement agency chief executive, you have firsthand knowledge of the Texas profiling law impact on your agency. Your experience and perceptions in this matter are valued. That is why I am requesting your participation in this survey. Your responses will assist in determining how the racial profiling law has affected operations and resources of Texas law enforcement agencies over the last 15 years since implementation. I respectfully request your response to this 25 question survey on or before February 15, 2017. This survey should take approximately 10 minutes to complete. You may access this survey at

[https://tarleton.az1.qualtrics.com/jfe/preview/SV\\_0CBdnh5SLf3Vbxj](https://tarleton.az1.qualtrics.com/jfe/preview/SV_0CBdnh5SLf3Vbxj).

Your participation is voluntary and is greatly appreciated.

Sincerely,



Amanda L. Moss



## APPENDIX B

### SURVEY AND INFORMED CONSENT

#### **Research Study** **Informed Consent**

You are being asked to take part in a research study regarding how the racial profiling law has impacted Texas law enforcement agencies.

**What the study is about:** The purpose of this study is to measure the perceived impact the Texas racial profiling law requirements have had on Texas law enforcement agencies.

**What we will ask you to do:** If you agree to be in this study, we will ask that you complete the 25-question survey below.

**Risks and benefits:** There is the risk that you may find some of the questions to be sensitive regarding budget and resources. There are no benefits to you. You will be voluntarily sharing information that may later benefit Texas law enforcement agencies in general.

**Compensation:** There is no compensation provided.

**Your answers will be confidential.** The records of this study will be kept private. In any sort of report we make public we will not include any information that will make it possible to identify you. Research records will be kept in an electronic file; only the researchers will have access to the records.

**Taking part is voluntary:** Taking part in this study is completely voluntary. If you decide to take part, you are free to withdraw at any time.

**If you have questions:** The researchers conducting this study are Amanda L. Moss and Dr. Alejandro del Carmen. If you have questions, you may contact Amanda Moss at [amanda.moss@go.tarleton.edu](mailto:amanda.moss@go.tarleton.edu) or at 817-896-5096. You can reach Dr. del Carmen at [delcarmen@tarleton.edu](mailto:delcarmen@tarleton.edu). If you have any questions or concerns regarding your rights as a subject in this study, you may contact the Institutional Review Board (IRB) at (254) 968-1647 or access their website at [irb@tarleton.edu](mailto:irb@tarleton.edu). If you would like a copy of the survey results, please contact Amanda Moss.

**Statement of Consent:** I have read the above information, and have received answers to any questions I asked. I consent to take part in the study.

*This consent form will be kept by the researcher for at least three years beyond the end of the study.*

## APPENDIX C

### SURVEY QUESTIONS

1. Consent to Survey (See Appendix B for wording of this question)  
 I consent  I do not consent
2. My agency is in compliance with Texas Code of Criminal Procedure 2.131, prohibition on racial profiling.  
 Agree Strongly  Agree  Neither Agree or Disagree  Disagree  Disagree Strongly
3. Overall, my employees feel reasonably favorable toward the Racial Profiling Law requirements.  
 Agree Strongly  Agree  Neither Agree or Disagree  Disagree  Disagree Strongly
4. Overall, my command staff feels reasonably favorable toward the Racial Profiling Law requirements.  
 Agree Strongly  Agree  Neither Agree or Disagree  Disagree  Disagree Strongly
5. Most of my employees understand the purpose of the Racial Profiling Law requirements.  
 Agree Strongly  Agree  Neither Agree or Disagree  Disagree  Disagree Strongly
6. Most of our citizens understand the purpose of the Racial Profiling Law requirements.  
 Agree Strongly  Agree  Neither Agree or Disagree  Disagree  Disagree Strongly
7. My agency did receive funding or equipment as detailed in Texas Code of Criminal Procedure 2.137.  
 Agree Strongly  Agree  Neither Agree or Disagree  Disagree  Disagree Strongly
8. My agency did qualify for a partial exemption as detailed in Texas Code of Criminal Procedure 2.135.  
 Agree Strongly  Agree  Neither Agree or Disagree  Disagree  Disagree Strongly
9. My agency experienced a negative financial impact in order to comply with Texas Racial Profiling Law requirements.  
 Agree Strongly  Agree  Neither Agree or Disagree  Disagree  Disagree Strongly
10. My agency did need to hire additional personnel in order to comply with Texas Racial Profiling Law requirements.  
 Agree Strongly  Agree  Neither Agree or Disagree  Disagree  Disagree Strongly
11. My agency regularly relies on outside assistance (i.e. consultants) in order to comply with Texas Racial Profiling Law requirements.  
 Agree Strongly  Agree  Neither Agree or Disagree  Disagree  Disagree Strongly
12. My agency did purchase new or upgraded computer software in order to comply with Texas Racial Profiling Law requirements.  
 Agree Strongly  Agree  Neither Agree or Disagree  Disagree  Disagree Strongly

13. I feel that the Racial Profiling Law has prevented incidents of racial profiling.  
 Agree Strongly  Agree  Neither Agree or Disagree  Disagree  Disagree Strongly
14. The Racial Profiling Law was helpful in setting the tone of “zero tolerance” on racism.  
 Agree Strongly  Agree  Neither Agree or Disagree  Disagree  Disagree Strongly
15. We can measure racial profiling with the statistical requirements set forth in the Racial Profiling Law.  
 Agree Strongly  Agree  Neither Agree or Disagree  Disagree  Disagree Strongly
16. The Racial Profiling law requirements have impacted my budget by:  
 0-1%  2-5%  6-9%  10-13%  14% or more
17. My gender:  
 Male  Female
18. My law enforcement experience:  
 10 years or fewer  11-20 years  21-30 years  31 years or more
19. My Chief executive officer experience:  
 10 years or fewer  11-20 years  21-30 years  31 years or more
20. My age :  
 32 years or younger  33-51 years  52 years or older
21. My education level:  
 High School  Associate’s Degree  Bachelor’s Degree  Master’s Degree  Doctorate
22. The best representation of my race/ethnicity:  
 African American  Asian/Pacific Islander  Caucasian  Hispanic  Indian  Middle Eastern  Native American  Other
23. Number of sworn officers working for me:  
 1-24  25-199  200-499  500-999  1000 or more
24. According to TCOLE’s Regional Support map at <https://www.tcole.texas.gov/content/regional-support-field-service-agents>, my agency is located in the following region:  
 Region 1-Panhandle  Region 2-West Texas  Region 3-South Texas  Region 4-South East Texas  Region 5-North East Texas  Region 6-North Central Texas  Region 7-Central Texas
25. The following best describes the nature of my agency:  
 State  County  Municipality  College/University  Independent School District  Transit Authority  Airport  Other
26. My community population:  
 Under 10,000  10,000-49,999  50,000-99,999  100,000-499,999  500,000 or more

## APPENDIX D

### DEFINITIONS

For purposes of this study, certain concepts must be operationalized so as to properly analyze and explain the data collected. Concepts to be defined and operationalized include the following: Texas law enforcement agency, Texas law enforcement agency chief executive officer, racial profiling, racial profiling law, financial impact, training impact, operations, and resources (*Racial profiling law, Texas code of criminal procedure 2.131-2.1385, 2001*).

*Texas Law Enforcement Agency* – A Texas law enforcement agency is a governmental or private organization whose primary objective is to enforce the state laws of Texas. Agencies include but are not limited to state, county, municipal, college/university, independent school district, transit authority, and airport agencies. According to the Bureau of Justice Statistics, Texas houses 1913 law enforcement agencies, the most of any state (Reaves, Ph, & Statistician, 2011, pg. 15).

*Texas Law Enforcement Chief Executive Officer* – A Texas law enforcement agency chief executive officer is the highest ranking member of authority in a Texas police agency (“Chief executive officer definition,” 2007) Chief executive officers are hired, appointed, promoted, or voted to hold the position of top law enforcement officer. Position titles vary and may include police chief, sheriff, constable, director, or supervisor.

*Racial Profiling* – Racial profiling by law enforcement is referred to as a practice that targets people based on their race, ethnicity, religion or national origin. Creating and generalizing a profile about a large swath of people or groups of people may lead law enforcement officers to suspect those people of committing crime based on their generalizations and not on specific, individual behavior (“National Institute of Justice definition of racial profiling,” 2013, p.1).

*Texas Racial Profiling Law* – The Texas Racial Profiling Law was implemented in September of 2001 and prohibits law enforcement officers from racially profiling subjects during self-initiated traffic stops. It requires agencies to track demographic data on all self-initiated traffic stops; an analysis of the resulting data must be submitted to the state on an annual basis (*Racial profiling law, Texas code of criminal procedure 2.131-2.1385, 2001*). The law is also known as Texas Code of Criminal Procedure 2.131-2.1385 and Senate Bill 1074.

*Financial Impact* – Financial impact refers to a significant, negative reduction to an organization’s budget due to requirement of the Texas Racial Profiling law (*Racial profiling law, Texas code of criminal procedure 2.131-2.1385, 2001*).

*Training Impact* – Training impact is defined as a significant change to a law enforcement agency’s training program due to events outside the agency’s control.

*Operations* – Operations refers to a law enforcement agency’s method of conducting law enforcement activity as allowed by law.

*Resources* – Resources refers to a law enforcement agency’s personnel hired to conduct the operations of the agency.

*Partial Exemption* - Partial exemption refers to Texas Code of Criminal Procedure 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). (*Racial profiling law, Texas code of criminal procedure 2.131-2.1385, 2001*)

*Provision of Funding or Equipment* – Provision of funding or equipment refers to Texas Code of Criminal Procedure 2.137 – (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; 30 (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). (*Racial profiling law, Texas code of criminal procedure 2.131-2.1385, 2001*).



