

## Racial Profiling Report 2022

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### **ALAMO HEIGHTS POLICE DEPARTMENT Police Contact Data Annual Report January 1, 2022 through December 31, 2022**

In accordance with the Texas Racial Profiling Law, Art. 2.134 CCP, the Alamo Heights Police Department has collected police contact data to comply with the law. There are a number of changes regarding the required collection of data as required by Senate Bill No. 1849 (Sandra Bland Act) passed by the 85<sup>th</sup> Legislature of Texas in May 2017. Senate Bill No. 1849 made sweeping changes to the Code of Criminal Procedure, Occupations Code, Education Code and Government Code. Specific to the required annual racial profiling report the racial profiling laws in the Code of Criminal Procedure, Article 2.131 thru Article 2.134, were modified to enhance the collection of data required for future Racial Profiling Report.

Data collected for the 2022 Racial Profiling Report includes the number of traffic and pedestrian contacts resulting in a court citation and/or arrest. Additional data is gathered regarding:

- gender of the person contacted;
- the initial reason for the contact;
- whether the officer conducted a search as a result of the contact and, if so, did the person detained consent to the search;
- whether any contraband or other evidence was discovered;
- a description of the contraband or evidence;
- whether an officer made an arrest and include a statement of whether the arrest was based on a violation of the Penal Code, a violation of traffic law or ordinance, or an outstanding warrant as well as a statement of the offense charged;
- the roadway type or approximate location of the stop;
- whether the officer issued a verbal or written warning or a citation as a result of the stop; and,
- whether the officer used physical force that resulted in bodily injury during the stop.

The 2022 Racial Profiling Report is also in compliance with all mandates for a comprehensive analysis document containing a statistical analysis of motor vehicle stops compared to the gender and ethnic population of the City of Alamo Heights.

Throughout the past year, the police department has worked to ensure that the data collected, via citations, warning citations and arrest reports, was as accurate as possible. The purchase of the electronic ticket writers has proven to be a valuable tool for the collection of the required data. They are programmed to not allow the completion of a warning or court citation unless all the required information is gathered and made a part of the electronic contact record.

Further compliance is met through the installation of mobile video camera systems in every patrol vehicle. Although not required, body worn cameras are issued to every officer to ensure a video and audio recording of the contact is made of all contacts with pedestrians and drivers who may not be in view of the mobile video recording systems.

As a part of the 2022 Racial Profiling Report package there is included Alamo Heights Police Department Policy 2.2 providing background information on the rationale and objectives of the Texas Racial Profiling Law and a statement prohibiting the practice of racial profiling among its officers and providing for a complaint system should a person contacted feel they were unjustly detained. Also included is Alamo Heights Police Department Policy 7.34 requiring the use of video or voice recordings on all traffic and pedestrian stops. A final exhibit is Alamo Heights Police Department Policy 2.4 detailing the internal investigation process on how to file a complaint and the investigative process when citizen complaints are received.

The first component of this report (Exhibit 1) provides the required statistical data relevant to the public contacts made during the period of 1/1/2022 and 12/31/2022. Other exhibits compare searches and arrests to the total number of traffic stops conducted over the listed time period and census comparisons to police activities. This data captured in Exhibit 4 has been analyzed and compared to the U.S. Census data (2019) concerning the population demographics of the City of Alamo Heights, San Antonio and Bexar County.

It is important to point out there are limitations as to the interpretation and extrapolation of “information” from this data. We feel confident that our analysis is as correct and relevant as any model that could be used to evaluate the data we have collected. The comparative analysis models, both required and devised, are only a few models that could have been used. Again, this points to the limitations of the way these numbers are extrapolated and evaluated, which is a big warning sign on the validity issues surrounding this entire process.

**Assessment of the Data Analysis:** The City of Alamo Heights is located north and immediately outside of the downtown area of the City of San Antonio, Bexar County, Texas. The areas immediately surrounding the San Antonio downtown area are primarily historic districts. In the immediate area of Alamo Heights include a growing San Antonio entertainment/retail/housing district, numerous public and private schools, two major universities, Olmos Park, Brackenridge Park, Witte Museum, San Antonio Zoo, two municipal golf courses, Ft. Sam Houston Military Base, San Antonio Military Medical Center, the City of Terrell Hills and the City of Olmos Park.

Major thoroughfares in Alamo Heights include Loop 368 (Austin Hwy and Broadway), both of which provide direct access to the center of downtown San Antonio, a large tourist and convention area as well as a growing housing/office/retail town center development. Additionally, Broadway is a direct route to the San Antonio International Airport and connects with Loop 410 to the north and IH 35 to the south. Loop 368 (Austin Hwy) is a direct connect to the IH35N / Loop 410 corridor to the northeast. North New Braunfels Avenue borders the City of Alamo Heights connecting to Loop 410 on the north and terminating as a public access roadway at the north gates to Fort Sam Houston. Finally, US Hwy 281N borders the City of Alamo Heights on the west.

The aforementioned all contribute to a large volume of commuter traffic passing through the City of Alamo Heights to areas in San Antonio. This large volume of commuter traffic contributes to a high percentage of traffic enforcement and, in some cases, arrests subsequent to traffic enforcement. A high ratio of minority commuters who reside in the surrounding areas or work in the downtown areas are also subject to enforcement actions when violations are observed.

The total number of traffic enforcement stops where court citations or warning citations were issued and/or arrests were made was 5,185, which is an increase over previous year's low contact numbers due to the COVID-19 pandemic. This number does not indicate the number of charges but only the number of drivers detained. It is possible to file multiple charges on a person, either by any combination of warning citations, court citations or arrest, during a stop, but only counts as one stop for the purposes of this report.

When compared to the 2019 US Census data for the City of Alamo Heights, the documented activities in the Motor Vehicle Racial Profiling Information and the Comprehensive Analysis documents would suggest the Alamo Heights Police Department may be enforcing the traffic laws of this city and state more stringently on some percentages of the population. This is an inaccurate assumption. For example, persons of Hispanic origin represent 24.7% of the Alamo Heights population but accounted for 26.4% of enforcement actions. This would appear to be contrary to the ethnic ratio for persons of Hispanic origin living in Alamo Heights. However, this would appear to be a low ratio when compared to the City of San Antonio US Census data (2019) where persons of Hispanic origin represent 65.7% of the population. Given the large volume of transient commuter traffic who actually reside in the City of San Antonio a comparison of enforcement activities to US Census data for the City of San Antonio and Bexar County is reasonable. See Exhibit 4 for a comparative analysis of the population ratios of Alamo Heights, San Antonio, and Bexar County.

## **Summary Statement**

The findings in the 2022 Racial Profiling Report suggest that the Alamo Heights Police Department does not currently experience a problem regarding racial profiling practices by its officers.

# **ALAMO HEIGHTS POLICE DEPARTMENT**

## **Police Contact Data**

### **Annual Report**

**January 1, 2022 - December 31, 2022**

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## **II. Background Information**

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### **Police Department Background**

The Alamo Heights Police Department (AHPD) is made up of 22 commissioned officers and 13 staff members. The AHPD officers are committed to performing their jobs in a professional manner while serving the community members and its surrounding areas. This commitment can be found in the AHPD mission statement, vision statement, core values, and goals and reinforced through the issuance of pocket cards to every officer commonly used as a reference during discussions between administrative, supervisory and line personnel.

The department promotes to all its members a philosophy of community-policing practices in order to provide quality service to all residents of the community. In 2002, the Alamo Heights Police Department adopted a policy, in accordance with Texas law on Racial Profiling, prohibiting racial profiling practices by AHPD officers. This policy was updated in 2011, 2015 and 2018 to meet accreditation standards for the Texas Police Chiefs Association Best Practices Recognition Program.

### **Mission Statement of the Alamo Heights Police Department**

The Alamo Heights Police Department is committed to developing a community partnership with an emphasis on integrity, fairness and professionalism to positively impact the quality of life and promote a safe environment by resolving problems, enforcing the law and preserving the peace.

### **Vision Statement of the Alamo Heights Police Department**

A community environment where the public has full faith and confidence in its police department; it is an environment wherein citizens of the community believe that they are safe and secure in their homes and businesses; it is an environment wherein the criminal element does not feel safe and secure in its activities.

### **Core Values of the Alamo Heights Police Department**

Integrity – We are committed to uphold our positions of trust by maintaining the highest ethical standards as set forth in the law enforcement code of ethics.

Community Safety – We are committed to public safety through community partnerships, public education, community watch strategies, and the steadfast enforcement of violations of the law.

Service – We are committed to prompt, professional and courteous service, unbiased and effective in our response to community concerns.

Quality – We are committed to the highest standards of excellence through recruitment, training, teamwork, leadership, innovation, technology and accountability.

### **Goals of the Alamo Heights Police Department**

- Maintain positive interaction with the public and a high degree of visibility within the community.
- Educate the public to the community's role and responsibility in the prevention, detection, and resolution of crime.
- Develop and improve internal systems which assure high quality service to our community while increasing the Department's efficiency.
- Recruit and retain a diverse, highly skilled and motivated law enforcement workforce.
- Provide a rewarding work environment and invest in personnel development.

## **III. Responding to the Texas Racial Profiling Law**

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### **Educational Campaign:**

In accordance to Senate Bill 1074, the Alamo Heights Police Department has made significant efforts to launch an educational campaign aimed at informing the public on issues relevant to the complaint process. Special emphasis has been placed on informing community members on filing a complaint relevant to racial profiling practices.

The Chief of Police has posted a public statement on the City's web page to inform the public on efforts being made by the police department to continue banning racial profiling practices among its officers. Additionally, the department's complaint system is published on the police department home page on the City's web page.

### **Filing a Complaint Based on Violations of the Texas Law on Racial Profiling**

A pamphlet has been designed, printed, and distributed that fully explains the Internal Affairs/Complaint system of the department. The following information is extrapolated from the pamphlet, the complaint form, and the procedure for investigation complaints received:

## **UNDERSTANDING THE PROCESS**

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

## THE INTERVIEW

A police supervisor (rank of sergeant or higher) may interview the individual filing the complaint with the intention of gathering information pertaining to the incident. Through this process it may be possible that the supervisor is able to explain the officer's actions to the complainant's satisfaction.

If the supervisor is not able to satisfactorily answer the citizen's complaint, the supervisor will assist them in filing a formal complaint, if they wish. If the citizen does not wish to be assisted by the supervisor, they will be given a formal complaint pamphlet and given instructions on completing it.

## THE INVESTIGATION

After a formal complaint is filed, the Alamo Heights Police Department will investigate the alleged misconduct. The Chief of Police will assign an investigator experienced in internal investigation procedures who will talk to the complainant, any witnesses, and will visit the site of the incident.

- The Chief of Police receives all formal complaints, reviews them, logs them into the IA log and assigns the investigation to an investigator.
- The complainant will receive a letter from the Chief of Police, regarding the progress of the investigation. Although it is impossible to estimate how long the investigation will take, the complainant is advised they can expect a report as to the outcome of the investigation in about two weeks.
- All officers having knowledge of the incident will be interviewed as well as any identified witnesses.
- A report will then be prepared with conclusions and recommendations.
- The Chief of Police will review the report of investigation to determine if any rule, policy, or regulation has been violated. If it is determined that a violation has occurred it will be decision of the Chief of Police as to the discipline that will be administered.

## THE FINDINGS

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

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

The Chief of Police will decide on a finding after the complaint has been reviewed and will inform the complainant through an official letter of the final decision.

## A COMMITMENT TO RESPOND TO THE NEEDS OF THE COMMUNITY

The Alamo Heights Police Department has made a commitment to its citizens regarding the following:

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

### **Corrective Action**

It is the policy of the Alamo Heights Police Department that any officer who, after an internal investigation, has been found guilty of engaging in racial profiling, that one of the following series of disciplinary measures is taken (as per the recommendation of the chief of police):

1. Officer is retrained in racial sensitivity issues
2. Officer is suspended and as a condition of further involvement with the police department is required to undergo racial sensitivity training
3. Officer is indefinitely suspended (terminated)

### **Data on Corrective Action**

**There were no public complaints made alleging racial profiling by any member of the Alamo Heights Police Department during the 2022 reporting period. There were no internal reports made to the Chief of Police by members of the Alamo Heights Police Department alleging racial profiling by another member of the Alamo Heights Police Department during the 2022 reporting period.**

## Training

In compliance with the Texas Racial Profiling Law, the Alamo Heights Police Department required that all its officers adhere to all Texas Commission on Law Enforcement Officers (TCOLE) training and the Law Enforcement Management Institute of Texas (LEMIT) requirements as mandated by law.

All officers from the Alamo Heights Police Department have completed a TCOLE training and education program on racial profiling, as required by law, by 08/31/02 or will have completed the required training not later than the second anniversary of the date the officer is licensed under Chapter 1701 of the Texas Occupations Code or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier. A person who on September 1, 2001, held a TCOLE intermediate proficiency certificate, or who had held a peace officer license issued by TCOLE for at least two years, will have completed a TCOLE training and education program on racial profiling not later than September 1, 2003. **The department has met all training requirements mandated by law.**

The Chief of Police, as part of the initial training and continued education for such appointment, attended the Law Enforcement Management Institute of Texas program on racial profiling. This fulfills the training requirement as specified in the Education Code (96.641) of the Texas Racial Profiling Training law.

## Checklist

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

- Clearly defined act of actions that constitute racial profiling
- Statement indicating prohibition of any peace officer employed by the Alamo Heights Police Department from engaging in racial profiling
- Implement a process by which an individual may file a complaint regarding racial profiling violations; Provide public education related to the complaint process
- Adopt a policy on standards for reviewing video and audio documentation of traffic stops.
- Implement disciplinary guidelines for officers found in violation of the Texas Racial Profiling Law
- Collect required data in compliance with the Texas Code of Criminal Procedure
- Produce an annual report on police contacts by March 1, 2023. As a part of this requirement the annual report is presented to the governing body of Alamo Heights and a required data report is provided to the Texas Commission on Law Enforcement (TCOLE) before March 1, 2023.
- **The required data report was submitted to TCOLE and accepted on January 19, 2023.**
- **The required annual report was presented to the Alamo Heights City Council at a regularly scheduled City Council meeting on February 13, 2023.**

**The Alamo Heights Police Department has complied with all requirements of the Texas Racial Profiling Law.**