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Center, Texas 75935-1744

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## **AGENDA**

**The Center City Council will meet in Regular Session on Monday, January 22, 2018 at 5:00 p.m. in Council Room at Center City Hall. The following items are on the agenda for appropriate action:**

- I. Welcome Guests and Visitors.**
- II. Approval of Minutes of the Regular Meeting on January 8, 2017.**
- III. Discuss Consider and Action on the Following:**
  - A. Resolution 2018-02 Interlocal Agreement with Shelby County for Radio Building.**
  - B. Approve Final Pay Request by Berry & Clay – Portacool Park Construction.**
  - C. Approve Budget Amendment – Extension of Airport CIP Agreement with TXDoT Aviation for 2018 CIP Program Engineering.**
  - D. Accept Center Police Department Racial Profiling Report.**
- IV. Items of Interest from Council and City Manager and Citizens – No Action Items.**
- V. Executive Session**

Consider entering executive session for legal consultation with the City Attorney and discussion of pending litigation, personnel matters and land acquisition with possible action related thereto upon reconvening in open session in accordance with Government Code Section 551.071, 551.072 and 551.074
- VI. Adjournment.**

## MEMORANDUM

TO: Mayor and City Council

FR: Chad D. Nehring, City Manager

Date: January 19, 2018

RE: Agenda Comments for Regular Meeting of January 22, 2018

### REGULAR MEETING AGENDA:

- III.A. Resolution 2018-2 – Interlocal Agreement with Shelby County for Radio Building
- We finally received a draft interlocal for the concept presented last Summer to acquire a new structure to replace the building that has been housing combined radio systems for several decades. Replacing the structure could provide some benefit and the Council already considered the concept of working with the County on this item. It appears that a building was ordered and has already been built prior to working out any operational agreement, estimating the transition costs or getting Council approval. The City has historically housed 2 radio repeaters in this structure along with the Sheriff's Office unit and at some point the County has added 3 additional repeater units. The building has become slightly crowded and the most recent air conditioner replacement has created some minor inconveniences for the Fire Chief that could be remedied with a simple unit replacement. There may be enough space gained for one additional unit without being at the same level of current crowding. Other than an updated building, the City may consider upgrading its Public Works radios which could be housed at this location at some point in the future if space were available.
- With regard to the agreement, there seem to be a multitude of items that Council requested inclusion that were removed from the City's general interlocal format sent to the County. This action doesn't actually approve either draft specifically, but authorizes execution of an agreement. If approved, it would be recommended that items for inclusion be stated such as insurance of structure, ownership, repair responsibilities, access, additional equipment/space allocation, utilities, term, disposition of structure, effect of vacancy, indemnification, contacts and notice of additional improvements. In the alternative, Council could direct a finalized agreement prior to acting on this item.

III.B. Approve Final Pay Request by Berry & Clay – Portacool Park Construction  
This is the final pay request including the release of accrued retainage and establishing the warranty period for completion of this construction project. Several items had to be remedied and some items were not complete at time of the opening in addition to several items that had to be adjusted to meet contract specifications. The engineer's recommendation, if not included, will be provided at the meeting and staff concurs that to our inspection, all items are provided in general conformance with the contract documents and specifications, warranting approval of final payment and release of retainage.

III.C. Approve Budget Amendment – Extension of Airport CIP Agreement with TXDoT Aviation for 2018 CIP Program Engineering  
The TXDoT Aviation Capital Program for 2018 included the expedited approval of the City's future improvement requests based on increased size of aircraft and activity at the airport over the last several years. Moving this program up allowed for the combination of the project recently completed and amending that engineering services agreement with KSA Engineering rather than initiating a new professional services process. It also allows for the project overage currently on the City's account to be applied immediately to this new design contract. The details are explained in specific in the attached letter from TXDoT Aviation. Staff recommends approval of this difference of \$4,665 to be transferred into the City's Capital Improvement budget from operational funds to proceed with this engineering design.

III.D. Accept Center Police Department Racial Profiling Report  
The state requires every jurisdiction to produce an annual report in this format to track traffic contacts, searches, complaints and use of video equipment. As presented by the Chief, this report complies with the requirements of state law. It does not require approval of the Council but does require that it be presented for your information and Council has historically votes to accept the report from the Chief.

Items of Interest:

- A. Dixie Youth Baseball Regional World Series  
As this has so many additional impacts and attention, I will likely leave it as an item for potential discussion until July.
- B. Water System Maintenance – Annual Chlorine Burn Out still ongoing
- C. McSwain Hill (Hwy 7) Water Tank Maintenance Project
- D. Photos of some of the completed improvements at the Wastewater plant are included. Since these units have to be placed back into service, these are the best we can provide as even a site visit wouldn't provide visuals of this much improvement.

**MINUTES OF THE CITY OF CENTER  
CITY COUNCIL MEETING  
REGULAR MEETING  
January 8, 2018**

The Center City Council met in a regular session on Monday, January 8, 2018 at 5:00 p.m. in the Council Chambers at Center City Hall. The meeting was open to the public. Notices were properly posted of the date, place and hour and the news media was notified. The following members were present:

David Chadwick	-	Mayor	
Leigh Porterfield	-	Mayor Pro Tem	
Joyce Johnson	-	Council Member	
Howell Howard	-	Council Member	
Jerry Lathan	-	Council Member	
Terry Scull	-	Council Member	Absent
Randy Collard	-	Council Member	
Chad Nehring	-	City Manager	
Barbara Boyd	-	City Secretary	
Jim Payne	-	City Attorney	

Guests signed the register.

**Item I. Mayor David Chadwick opened the meeting and welcomed the visitors and media.**

**Item II. Approval of Minutes of the Regular Meeting on December 11, 2017.**

Council Member Leigh Porterfield made a motion to approve the minutes. Council Member Randy Collard seconded the motion. All voted in favor.

**Item III. Consider Discussion and Possible Action on the following:**

- A. Ordinance 2018-01 Adoption of City Limits Map. City Manager, Chad Nehring stated this is the annual adoption of the city limit map. Mr. Nehring stated the map is identical to 2017 since there have not been any changes occurring this last year. Council Member Howell Howard made a motion to approve Ordinance 2018-01 Adoption of City Limits Map. Council member Joyce Johnson seconded the motion. All voted in favor.
- B. Resolution 2018-01 Designating Official Newspaper for City Notices. City Manager, Chad Nehring stated state law requires the designation of the official newspaper for mandatory notices and publication and the newspaper must be of general circulation within the County of the entity. Council member Joyce Johnson made a motion to approve Resolution 2018-01 Designating Official Newspaper for City Notices. Council Member Howell Howard seconded the motion. All voted in favor.
- C. Award of Chemical Bids for Utility Operations. City Manager, Chad Nehring stated due to volume usage of these chemicals, they have been bid for a 12 month contract period that contain mutual renewal clauses, thus controlling costs throughout the budget year. Mr. Nehring stated this year, there are slight increases for each chemical compared to prior year, but are within the expected increases during budget development for both the water and wastewater systems. Council Member Howell Howard made a motion to approve the Awards of Chemical Bids for Utility

Operations. Council Member Jerry Lathan seconded the motion. All voted in favor.

- D. Approve MLK Parade – January 15, 2018.** City Manager, Chad Nehring stated as with other parades impacting traffic temporarily on state highway systems, TXDoT requires local jurisdiction to sanction and accept temporary responsibility for traffic control. Council Member Leigh Porterfield made a motion to approve the MLK Parade on January 15, 2018. Council Member Jerry Lathan seconded the motion. All voted in favor.

**Item IV. Items of Interest from Council and City Manager, and Citizens – No Action Items.**

City Manager, Chad Nehring gave the Council an update on the World Series Tournament.

**Item V. Executive Session.**

Consider entering executive session for legal consultation with the City Attorney and discussion of pending litigation, personnel matters and land acquisition with possible action related thereto upon reconvening in open session in accordance with Local Government Code Section 551.071, 551.072 and 551.074.3.

**Item VI. Adjournment.** Mayor David Chadwick adjourned the meeting at 5:20 p.m.

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David Chadwick, Mayor

Attest:

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Barbara Boyd, City Secretary

**RESOLUTION 2018-02**

**A RESOLUTION OF THE CITY OF CENTER, AUTHORIZING INTERLOCAL AGREEMENT BETWEEN THE CITY OF CENTER AND SHELBY COUNTY FOR PURCHASE OF JOINT RADIO COMMUNICATION BUILDING.**

**WHEREAS**, the Shelby County anticipates executing an agreement for purchase of a communication building; and,

**WHEREAS**, the City of Center will utilize the building to house radio equipment for Emergency Service Agencies located within Shelby County; and,

**WHEREAS**, cooperation and sharing of this communication building ensures that services are coordinated between the entities and provides more reliable and detailed information; and,

**WHEREAS**, combining this purchase allows for significant reduction in costs for the City of Center and Shelby County.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CENTER, TEXAS, THAT:**

1. Authorizes the City Manager to execute necessary interlocal agreement or contract between the City and the Shelby County to fund the purchase of a communication building to replace the existing structure housing City emergency radio systems.

**PASSED and APPROVED on the 22nd day of January, 2017.**

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David Chadwick, Mayor

**ATTEST:**

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Barbara Boyd, City Secretary

**INTERLOCAL AGREEMENT**  
**BETWEEN SHELBY COUNTY, TEXAS**  
**AND THE CITY OF CENTER**

**THE STATE OF TEXAS**

§

§

**COUNTY OF SHELBY**

§

This Interlocal Agreement (the "Agreement") is an agreement between Shelby County, (the "County") and the City of Center (the "City") collectively referred to herein as the "Parties", in accordance with the provisions of the Interlocal cooperation Act, Chapter 791, Texas Government Code. The Parties for the mutual consideration hereinafter stated, agree and understand as follows:

The effective date of this agreement shall be the 22<sup>nd</sup> of January, 2018.

The terms of this agreement shall be from this day forward until such agreement is formally dissolved by both parties.

NOW THEREFORE, in consideration the parties agree to the following:

- 1) Parties agree to purchase a communication building to house radio equipment for Emergency Service Agencies located within Shelby County.
- 2) The building will be purchased from General Shelters for a cost of \$5380.08 with said parties paying 50% of the cost, being \$2690.04 each. An invoice is attached.
- 3) Said building will be placed on the Riggs Street property which is owned by the City.
- 4) The electric bill will continue to be paid by the County.

Any changes will be made by Addendum to this Agreement.

IN WITNESS THEREOF, the undersigned Parties acting under the authority of their respective governing board or council have caused this Agreement to be duly executed in multiple counterparts, each of which shall constitute an original, all as of the day and year above first written, which is the date of this Agreement.

**SHELBY COUNTY**

**Attest:**

\_\_\_\_\_  
**Allison Harbison**  
**Shelby County Judge**  
**DATE SIGNED:** \_\_\_\_\_

\_\_\_\_\_  
**Jennifer Fountain**  
**Shelby County Clerk**

**CITY OF CENTER**

**Attest:**

\_\_\_\_\_  
**David Chadwick**  
**Mayor**  
**DATE SIGNED:** \_\_\_\_\_

\_\_\_\_\_  
**Barbara Boyd**  
**City Secretary**

# Invoice



## GENERAL SHELTERS OF TEXAS, LTD.

P.O. BOX 2108  
1639 STATE HWY 87 NORTH  
CENTER, TX 75935  
Tel: 936-598-3389  
Fax: 936-590-4001

Invoice No. 57294 Page 1  
Invoice date 9/29/2017

**Bill To:**

SHELBY COUNTY COURTHOUSE  
200 SAN AUGUSTINE STREET, SUITE B  
CENTER, TX 75935

**Ship To:**

SHELBY COUNTY COURTHOUSE  
200 SAN AUGUSTINE STREET, SUITE B  
CENTER, TX 75935

Order number 55134 Sales order date 6/26/2017 Account number 92212 Loc 210 Account manager 39 ASHTON M ASKEW  
PO number RADIO BLDG Job No Ship via PPD/COL  
Contract Freight (Bldg)

Item No. Description	Quantity ordered	Qty Shipped/Returned Quantity on back order	Item price Discount %	UOM	Extended Total price
CITY OF CENTER \$2690.04 SHELBY COUNTY COURTHOUSE \$2690.04					
BLDF-FMS12X12 FINISHED MONO SLOPE 12X12 / PW/RUBBER/PW Serial no.: 77685	1.00	1.00	5,105.0800	EA	5,105.08

**Comments:**

Sales amount: 5,105.08  
Miscellaneous amount: 0.00  
Freight: 275.00  
Sales tax: 0.00  
Subtotal: 5,380.08  
Amount Received: 0.00  
Total amount due: 5,380.08

Payment terms: COD





# AIA® Document G702™ – 1992

## Application and Certificate for Payment

**TO OWNER:** CITY OF CENTER  
617 TENAHA STREET  
CENTER, TEXAS 75935

**PROJECT:** CENTER PORTACOOLO PARK  
CENTER, TEXAS

**APPLICATION NO:** 5/FINAL  
**PERIOD TO:** December 31, 2017  
**CONTRACT FOR:** General Construct  
**CONTRACT DATE:** June 08, 2016  
**PROJECT NOS:** / /

**FROM** BERRY & CLAY INC  
**CONTRACTOR:** 190 W 1ST STREET  
RUSK, TEXAS 75785

**VIA** MHS PLANNING & DESIGN, LLC  
**ARCHITECT:** 212 W. 9TH STREET  
TYLER, TEXAS 75701

### CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract. Continuation Sheet, AIA Document G703, is attached.

1. ORIGINAL CONTRACT SUM	\$755,898.00
2. NET CHANGE BY CHANGE ORDERS	-\$7,160.05
3. CONTRACT SUM TO DATE (Line 1 ± 2)	\$748,737.95
4. TOTAL COMPLETED & STORED TO DATE (Column G on G703)	\$748,737.95
5. RETAINAGE:	
a. 0 % of Completed Work (Column D + E on G703)	\$0.00
b. 0 % of Stored Material (Column F on G703)	\$0.00
Total Retainage (Lines 5a + 5b or Total in Column I of G703)	\$0.00
6. TOTAL EARNED LESS RETAINAGE (Line 4 Less Line 5 Total)	\$748,737.95
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 from prior Certificate)	\$689,744.65
8. CURRENT PAYMENT DUE	\$58,993.30
9. BALANCE TO FINISH, INCLUDING RETAINAGE (Line 3 less Line 6)	\$0.00

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner	\$0.00	\$0.00
Total approved this Month	\$0.00	\$7,160.05
TOTALS	\$0.00	\$7,160.05
NET CHANGES by Change Order		-\$7,160.05

The undersigned Contractor certifies that to the best of his information and belief the Work covered by this Application is completed in accordance with the Contract Documents by the Contractor for Work for which previous Certificates of Payment have been received from the Owner, and that current payments received from the Owner are as follows:

**CONTRACTOR:** *[Signature]*

By: *[Signature]*  
State of: TEXAS

County of: CHEROKEE

Subscribed and sworn to before me this 15th day of January

Notary Public: ROSA ELENA LOWE

My Commission expires: September 23, 2019

### ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on and to the best of my knowledge, information and belief the Work shown on this Application is in accordance with the Contract Documents and the amount of the AMOUNT CERTIFIED is correct.

#### AMOUNT CERTIFIED

(Attach explanation if amount certified differs from the amount shown on the Application and on the Continuation Sheet that are changed)

**ARCHITECT:** *[Signature]*

By: *[Signature]*

This Certificate is not negotiable. The AMOUNT CERTIFIED named herein. Issuance, payment and acceptance of payment by the Owner or Contractor under this Contract.

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# AIA<sup>®</sup> Document G703<sup>™</sup> – 1992

## Continuation Sheet

AIA Document, G702<sup>™</sup>-1992, Application and Certification for Payment, or G736<sup>™</sup>-2009, Project Application and Project Certificate for Payment, Construction Manager as Adviser Edition, containing Contractor's signed certification is attached.

In tabulations below, amounts are in US dollars.

Use Column I on Contracts where variable retainage for line items may apply.

APPLICATION NO:

APPLICATION DATE:

PERIOD TO:

ARCHITECT'S PROJECT NO:

A	B	C	D	E	F	G	
ITEM NO.	DESCRIPTION OF WORK	SCHEDULED VALUE	WORK COMPLETED		MATERIALS PRESENTLY STORED (NOT IN D OR E)	TOTAL COMPLETED AND STORED TO DATE (D + E + F)	% (G ÷ C)
			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD			
	OWNERS CONTINGENCY	40,850.00	33,754.00	7,096.00	0.00	40,850.00	100.00
	ALLOWANCE-DEMO	0.00	0.00	0.00	0.00	0.00	0.00
	ALLOWANCE-SCORE BOARD	0.00	0.00	0.00	0.00	0.00	0.00
	SUPERINTENDENT	28,000.00	23,373.00	4,627.00	0.00	28,000.00	100.00
	CONSTRUCTION SIGN	650.00	650.00	0.00	0.00	650.00	100.00
	JOB SITE PHONE	650.00	650.00	0.00	0.00	650.00	100.00
	TRAVEL	6,000.00	5,418.00	582.00	0.00	6,000.00	100.00
	TEMPORARY TOILETS	900.00	900.00	0.00	0.00	900.00	100.00
	ROLL-OFF WASTE CONTAINERS	1,800.00	1,800.00	0.00	0.00	1,800.00	100.00
	REPRODUCTIONS	450.00	450.00	0.00	0.00	450.00	100.00
	PROGRESSIVE SITE CLEANING	1,500.00	1,500.00	0.00	0.00	1,500.00	100.00
	MATERIAL TESTING	5,000.00	5,000.00	0.00	0.00	5,000.00	100.00
	STAKING	1,500.00	1,500.00	0.00	0.00	1,500.00	100.00
	EARTHWORK	49,111.00	49,111.00	0.00	0.00	49,111.00	100.00
	SELECT FILL MATERIAL & TRUCKING	12,250.00	12,250.00	0.00	0.00	12,250.00	100.00

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User Notes:

A	B	C	D	E	F	G	
ITEM NO.	DESCRIPTION OF WORK	SCHEDULED VALUE	WORK COMPLETED		MATERIALS PRESENTLY STORED (NOT IN D OR E)	TOTAL COMPLETED AND STORED TO DATE (D + E + F)	% (G ÷ C)
			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD			
	FINE GRADING	15,250.00	15,250.00	0.00	0.00	15,250.00	100.00%
	CXT PAD	3,850.00	3,850.00	0.00	0.00	3,850.00	100.00%
	BOULDERS & HANDLING	2,400.00	2,400.00	0.00	0.00	2,400.00	100.00%
	FENCING & GATES	13,198.00	13,198.00	0.00	0.00	13,198.00	100.00%
	LANDSCAPING & PLANTING	41,480.00	41,480.00	0.00	0.00	41,480.00	100.00%
	LIME	1,000.00	1,000.00	0.00	0.00	1,000.00	100.00%
	FERTILIZER (2)	1,700.00	850.00	850.00	0.00	1,700.00	100.00%
	RIVER ROCK SWALE	4,550.00	4,550.00	0.00	0.00	4,550.00	100.00%
	HYDRO MULCHING & SEEDING OUTSIDE SPECIFIED AREA	3,750.00	3,750.00	0.00	0.00	3,750.00	100.00%
	IRRIGATION POTABLE & NON POTABLE	37,000.00	37,000.00	0.00	0.00	37,000.00	100.00%
	HOLDONG TANKS FOR SPLASH PAD	13,500.00	13,500.00	0.00	0.00	13,500.00	100.00%
	TRANSPORT SPOILS FROM TANK EXCAVATION	1,550.00	1,550.00	0.00	0.00	1,550.00	100.00%
	PRESSURE WASHING	850.00	850.00	0.00	0.00	850.00	100.00%
	MOWING (4)	2,500.00	0.00	2,500.00	0.00	2,500.00	100.00%
	SILT FENCE	3,560.00	3,560.00	0.00	0.00	3,560.00	100.00%
	EROSION MAT	1,250.00	1,250.00	0.00	0.00	1,250.00	100.00%
	EROSION CONTRAL MAINTENANCE	750.00	750.00	0.00	0.00	750.00	100.00%
	IRRIGATION SLEEVES	550.00	550.00	0.00	0.00	550.00	100.00%
	EXPANSION JOINT	1,550.00	1,550.00	0.00	0.00	1,550.00	100.00%
	TREE PROTECTION	1,500.00	1,500.00	0.00	0.00	1,500.00	100.00%

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User Notes:

A	B	C	D	E	F	G	
ITEM NO.	DESCRIPTION OF WORK	SCHEDULED VALUE	WORK COMPLETED		MATERIALS PRESENTLY STORED (NOT IN D OR E)	TOTAL COMPLETED AND STORED TO DATE (D + E + F)	% (G ÷ C)
			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD			
	FINAL CLEAN	1,900.00	1,500.00	400.00	0.00	1,900.00	100.00'
	COORDINATE BUILDING DELIVERY	948.00	948.00	0.00	0.00	948.00	100.00'
	CONCRETE-SITE & STRUCTURAL	162,674.00	162,674.00	0.00	0.00	162,674.00	100.00'
	REINFORCING STEEL	12,270.00	12,270.00	0.00	0.00	12,270.00	100.00'
	MASONRY	44,400.00	44,400.00	0.00	0.00	44,400.00	100.00'
	CASTSTONE MATERIAL	3,879.00	3,879.00	0.00	0.00	3,879.00	100.00'
	PRE-ENGINEERED METAL BUILDING	41,578.00	41,578.00	0.00	0.00	41,578.00	100.00'
	PEMB ANCHOR BOLTS	1,700.00	1,700.00	0.00	0.00	1,700.00	100.00'
	STRUCTURAL STEEL	18,179.00	18,179.00	0.00	0.00	18,179.00	100.00'
	STEEL FOR GOAL SUPPORT	3,500.00	3,500.00	0.00	0.00	3,500.00	100.00'
	TOTAL STEEL ERECTION	19,900.00	19,900.00	0.00	0.00	19,900.00	100.00'
	STEEL ACCESSORIES & LABOR	1,250.00	1,250.00	0.00	0.00	1,250.00	100.00'
	POWDER COATING	2,990.00	2,990.00	0.00	0.00	2,990.00	100.00'
	PAINT PEMB	6,450.00	6,450.00	0.00	0.00	6,450.00	100.00'
	COURT PREP	750.00	750.00	0.00	0.00	750.00	100.00'
	COURT STRIPPING	1,500.00	1,500.00	0.00	0.00	1,500.00	100.00'
	TENNIS COURT BACKSTOP PAINTING	1,200.00	1,200.00	0.00	0.00	1,200.00	100.00'
	TENNIS PRACTICE COURT	0.00	0.00	0.00	0.00	0.00	0.00'

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User Notes:

A	B	C	D	E	F	G	
ITEM NO.	DESCRIPTION OF WORK	SCHEDULED VALUE	WORK COMPLETED		MATERIALS PRESENTLY STORED (NOT IN D OR E)	TOTAL COMPLETED AND STORED TO DATE (D + E + F)	% (G ÷ C)
			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD			
	RESURFACING						
	TABLES, BENCHES AND TRASH CANS INSTALLATION ONLY	1,500.00	1,500.00	0.00	0.00	1,500.00	100.00'
	SIGNAGE-ENTRANCE ICON AND INSTALLATION	3,910.00	3,910.00	0.00	0.00	3,910.00	100.00'
	CEDAR SIGN AND INSTALLATION	5,125.00	5,125.00	0.00	0.00	5,125.00	100.00'
	BRONZE PLAQUE AND INSTALLATION	995.00	995.00	0.00	0.00	995.00	100.00'
	BASKETBALL & VOLLYBALL EQUIPMENT	13,207.00	13,207.00	0.00	0.00	13,207.00	100.00'
	SPORTS EQUIPMENT INSTALLATION	1,250.00	0.00	1,250.00	0.00	1,250.00	100.00'
	HORSESHOE PIT	3,500.00	0.00	3,500.00	0.00	3,500.00	100.00'
	WASHER PITS (2)	2,000.00	0.00	2,000.00	0.00	2,000.00	100.00'
	CONNECT LATERAL LINE AT TANKS	1,450.00	1,450.00	0.00	0.00	1,450.00	100.00'
	DOWNSPOUT SCUPPERS	500.00	500.00	0.00	0.00	500.00	100.00'
	TOTAL PLUMBING	15,439.00	15,439.00	0.00	0.00	15,439.00	100.00'
	ELECTRICAL	34,750.00	31,589.00	3,161.00	0.00	34,750.00	100.00'
	BUIDLERS RISK	2,480.00	2,480.00	0.00	0.00	2,480.00	100.00'
	GENERAL LIBILITY	2,940.00	2,940.00	0.00	0.00	2,940.00	100.00'
	CONSTRUCTION MANAGER FEE	28,885.00	25,000.00	3,885.00	0.00	28,885.00	100.00'
	PAYMENT &	12,500.00	12,500.00	0.00	0.00	12,500.00	100.00'

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User Notes:

A	B	C	D	E	F	G	
ITEM NO.	DESCRIPTION OF WORK	SCHEDULED VALUE	WORK COMPLETED		MATERIALS PRESENTLY STORED (NOT IN D OR E)	TOTAL COMPLETED AND STORED TO DATE (D + E + F)	% (G ÷ C)
			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD			
	PERFORMANCE BOND						
	CREDIT CONTINGENCY	-3,660.05	0.00	-3,660.05	0.00	-3,660.05	100.00
	CREDIT HORSESHOE PIT	-3,500.00	0.00	-3,500.00	0.00	-3,500.00	100.00
	GRAND TOTAL	\$748,737.95	\$726,047.00	\$22,690.95	\$0.00	\$748,737.95	100.00

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User Notes:



PLANNING & DESIGN, LLC

Order #2  
01/15/2018

### CONTRACT CHANGE ORDER

Contract For: Portacool Park  
Owner: City of Center  
To: Berry & Clay  
Contractor

You are hereby requested to comply with the following changes from the contract plans and specifications:

Description of Charges Supplemental Plans & Specifications Attached	Decrease In Contract Price	Increase In Contract Price
1) Due to the fact that Texas Parks & Wildlife no longer required the construction of the horseshoe pits - Credit \$3,500.00 for 'horseshoe pits' on the pay application.		
<b>Totals</b>	<b>\$0.00</b>	<b>\$0.00</b>

Net Change in Contract Price: NONE \$0.00

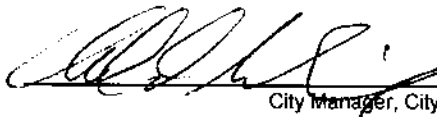
Justification: Horseshoe pits no longer required by TPWD

The amount of the contract will be decreased by the sum of: -0- No Dollars and .00/100ths.

The contract total including this and previous change orders will be: \$755,898.00 Seven Hundred and Fifty-Five Thousand, Eight Hundred and Ninety-Eight Dollars and no/100ths.

The contract period provided for completion will be unchanged by: -0- days.

This document will become a supplement to the contract and all provisions will apply hereto.

Requested:  Owner  
City Manager, City of Center

1/16/18 Date

Recommended: Hunter N. Rush, MHS Planning & Design Owner's Consultant

Date

Accepted: Eric Berry, Berry & Clay Contractor

Date



## Texas Department of Transportation

125 EAST 11TH STREET, AUSTIN, TEXAS 78701-2483 | 512.463.8588 | WWW.TXDOT.GOV

### INVOICE

December 21, 2017

Mr. Chad Nehring  
City Manager  
City of Center  
617 Tenaha Street  
Center, Texas 75935

RE: TxDOT CSJ: 1611CENTR  
Project No: AP CENTER 2  
Fund Source: 07800

Dear Mr. Nehring:

Attached is Amendment Number 02 to the Airport Project Participation Agreement between the City of Center and the Texas Department of Transportation for this project. This amendment will increase the agreement by \$18,500 based on the negotiated fee for the reconstruction of Taxiway D and sealcoat of Runway 17-35.

The sponsor's share of the total project costs is estimated to be \$20,104. We have currently received \$15,438.90 which leaves a balance of \$4,665. Please remit the additional \$4,665 to the address below:

Texas Department of Transportation  
P.O. Box 149001  
Austin, Texas 78714.

Attn.: Seth Reed

We request that you proceed as expeditiously as possible to execute the Agreement and return the Agreement no later than January 12, 2018. We cannot begin work until we have received the funds and the agreement. Please return the fully signed to the:

Texas Department of Transportation - Aviation Division  
125 E. 11<sup>th</sup> Street  
Austin, Texas 78701-2483

Sincerely,

Allison Martin  
Grant Manager

OUR VALUES: People • Accountability • Trust • Honesty

OUR MISSION: Through collaboration and leadership, we deliver a safe, reliable, and integrated transportation system that enables the movement of people and goods.

An Equal Opportunity Employer



# **Center Police Department Racial Profile Report**

**01/01/2017- 12/31/2017**

# **(I) Introduction**

# Opening Statement

Center City Council  
1020 Shelbyville Road  
Center, Texas 75935

Dear Distinguished Members of the City Council,

In 2001, the Texas Legislature, with the intent of addressing the issue of racial profiling in policing, enacted the Texas Racial Profiling Law. Since 2001, the Center Police Department, in accordance with the law, has collected and reported traffic and motor vehicle-related contact data for the purpose of identifying and addressing (if necessary) areas of concern regarding racial profiling practices. In the 2009 legislative session, the Racial Profiling Law was modified and newer requirements are now in place. These most recent requirements have been incorporated by the Center Police Department and are being addressed in this report.

In this particular report, you will find three sections that contain information on traffic and motor vehicle-related contact data. In addition, when appropriate, documentation is also a component of this report, aiming at demonstrating the manner in which the Center Police Department has complied with the Texas Racial Profiling Law. In section 1, you will find the table of contents in addition to the Texas Senate Bill (SB1074); which later became the Texas Racial Profiling Law. In addition, you will find the Texas HB 3389, which, in 2009, introduced new requirements relevant to racial profiling. Also, in this section, a list of requirements relevant to the Racial Profiling Law as established by TCLEOSE (Texas Commission on Law Enforcement Officer Standards and Education) is included. In addition, you will find, in sections 2 and 3 documentation, which demonstrates compliance by the Center Police Department relevant to the requirements as established in the Texas Racial Profiling Law. That is, you will find documents relevant to the implementation of an institutional policy banning racial profiling, the incorporation of a racial profiling complaint process and the training administered to all law enforcement personnel.

The last section of this report provides statistical data relevant to contacts, made during the course of motor vehicle stops, between 1/1/17 and 12/31/17. In addition, this section contains the TCLEOSE Tier 1 form, which is required to be submitted to this particular organization by March 1<sup>st</sup> of each year. The data in this report has been analyzed and compared to data derived from the U.S. Census Bureau's Fair Roads Standard. The final analysis and recommendations are also included in this report. The findings in this report serve as evidence of the Center Police Department's commitment to comply with the Texas Racial Profiling Law.

# **TCLEOSE GUIDELINES**

## Guidelines for Compiling and Reporting Data under Senate Bill 1074

### Background

Senate Bill 1074 of the 77<sup>th</sup> Legislature established requirements in the Texas Code of Criminal Procedure (TCCP) for law enforcement agencies. The Commission developed this document to assist agencies in complying with the statutory requirements.

The guidelines are written in the form of standards using a style developed from accreditation organizations including the Commission on Accreditation for Law Enforcement Agencies (CALEA). The standards provide a description of *what* must be accomplished by an agency but allows wide latitude in determining *how* the agency will achieve compliance with each applicable standard.

Each standard is composed of two parts: the standard statement and the commentary. The *standard statement* is a declarative sentence that places a clear-cut requirement, or multiple requirements, on an agency. The commentary supports the standard statement but is not binding. The commentary can serve as a prompt, as guidance to clarify the intent of the standard, or as an example of one possible way to comply with the standard.

### Standard 1

Each law enforcement agency has a detailed written directive that:

- clearly defines acts that constitute racial profiling;
- strictly prohibits peace officers employed by the agency from engaging in racial profiling;
- implements a process by which an individual may file a complaint with the agency if the individual believes a peace officer employed by the agency has engaged in racial profiling with respect to the individual filing the complaint;
- provides for public education relating to the complaint process;
- requires appropriate corrective action to be taken against a peace officer employed by the agency who, after investigation, is shown to have engaged in racial profiling in violation of the agency's written racial profiling policy; and
- requires the collection of certain types of data for subsequent reporting.

### Commentary

Article 2.131 of the TCCP prohibits officers from engaging in racial profiling, and article 2.132 of the TCCP now requires a written policy that contains the elements listed in this standard. The article also specifically defines a law enforcement agency as it applies to this statute as an "agency of the state, or of a county, municipality, or other political subdivision of the state, that employs peace officers who make traffic stops in the routine performance of the officers' official duties."

The article further defines race or ethnicity as being of "a particular descent, including Caucasian, African, Hispanic, Asian, or Native American." The statute does not limit the required policies to just these ethnic groups.

This written policy is to be adopted and implemented no later than January 1, 2002.

## **Standard 2**

Each peace officer who stops a motor vehicle for an alleged violation of a law or ordinance regulating traffic, or who stops a pedestrian for any suspected offense reports to the employing law enforcement agency information relating to the stop, to include:

- a physical description of each person detained, including gender and the person's race or ethnicity, as stated by the person, or, if the person does not state a race or ethnicity, as determined by the officer's best judgment;
- the traffic law or ordinance alleged to have been violated or the suspected offense;
- whether the officer conducted a search as a result of the stop and, if so, whether the person stopped consented to the search;
- whether any contraband was discovered in the course of the search, and the type of contraband discovered;
- whether probable cause to search existed, and the facts supporting the existence of that probable cause;
- whether the officer made an arrest as a result of the stop or the search, including a statement of the offense charged;
- the street address or approximate location of the stop; and
- whether the officer issued a warning or citation as a result of the stop, including a description of the warning or a statement of the violation charged.

## **Commentary**

The information required by 2.133 TCCP is used to complete the agency reporting requirements found in Article 2.134. A peace officer and an agency may be exempted from this requirement under Article 2.135 TCCP Exemption for Agencies Using Video and Audio Equipment. An agency may be exempt from this reporting requirement by applying for the funds from the Department of Public Safety for video and audio equipment and the State does not supply those funds. Section 2.135 (a)(2) states, "the governing body of the county or municipality served by the law enforcement agency, in conjunction with the law enforcement agency, certifies to the Department of Public Safety, not later than the date specified by rule by the department, that the law enforcement agency needs funds or video and audio equipment for the purpose of installing video and audio equipment as described by Subsection (a) (1) (A) and the agency does not receive from the state funds for video and audio equipment sufficient, as determined by the department, for the agency to accomplish that purpose."

## **Standard 3**

The agency compiles the information collected under 2.132 and 2.133 and analyzes the information identified in 2.133.

## **Commentary**

Senate Bill 1074 from the 77<sup>th</sup> Session of the Texas Legislature created requirements for law enforcement agencies to gather specific information and to report it to each county or municipality served. New sections of law were added to the Code of Criminal Procedure regarding the reporting of traffic and pedestrian stops. Detained is defined as when a person stopped is not free to leave.

Article 2.134 TCCP requires the agency to compile and provide an analysis of the information collected by peace officers employed by the agency. The report is provided to the governing body of the municipality or county no later than March 1 of each year and covers the previous calendar year.

There is data collection and reporting required based on Article 2.132 CCP (tier one) and Article 2.133 CCP (tier two).

The minimum requirements for "tier one" data for traffic stops in which a citation results are:

- 1) the race or ethnicity of individual detained (race and ethnicity as defined by the bill means of "a particular descent, including Caucasian, African, Hispanic, Asian, or Native American");
- 2) whether a search was conducted, and if there was a search, whether it was a consent search or a probable cause search; and
- 3) whether there was a custody arrest.

The minimum requirements for reporting on "tier two" reports include traffic and pedestrian stops. Tier two data include:

- 1) the detained person's gender and race or ethnicity;
- 2) the type of law violation suspected, e.g., hazardous traffic, non-hazardous traffic, or other criminal investigation (the Texas Department of Public Safety publishes a categorization of traffic offenses into hazardous or non-hazardous);
- 3) whether a search was conducted, and if so whether it was based on consent or probable cause;
- 4) facts supporting probable cause;
- 5) the type, if any, of contraband that was collected;
- 6) disposition of the stop, e.g., arrest, ticket, warning, or release;
- 7) location of stop; and
- 8) statement of the charge, e.g., felony, misdemeanor, or traffic.

Tier one reports are made to the governing body of each county or municipality served by the agency an annual report of information if the agency is an agency of a county, municipality, or other political subdivision of the state. Tier one and two reports are reported to the county or municipality not later than March 1 for the previous calendar year beginning March 1, 2003. Tier two reports include a comparative analysis between the race and ethnicity of persons detained to see if a differential pattern of treatment can be discerned based on the disposition of stops including searches resulting from the stops. The reports also include information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling. An agency may be exempt from the tier two reporting requirement by applying for the funds from the Department of Public Safety for video and audio equipment and the State does not supply those funds [See 2.135 (a)(2) TCCP].

Reports should include both raw numbers and percentages for each group. Caution should be exercised in interpreting the data involving percentages because of statistical distortions caused by very small numbers in any particular category, for example, if only one American Indian is stopped and searched, that stop would not provide an accurate comparison with 200 stops among Caucasians with 100 searches. In the first case, a 100% search rate would be skewed data when compared to a 50% rate for Caucasians.

#### **Standard 4**

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

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

#### **Commentary**

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



**Standard 5**

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

**Commentary**

None

**Standard 6**

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

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

**Commentary**

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

**Standard 7**

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

**Commentary**

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

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

# **The Texas Law on Racial Profiling**

AN ACT

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

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

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

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

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

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

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

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

(1) clearly define acts constituting racial profiling;

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

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

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

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

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

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

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

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

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

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

adopted by the agency under Subsection (b) must include standards for reviewing video and audio documentation.

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

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

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

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

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

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

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

(A) the person's gender; and

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

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

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

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

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

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

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

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

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

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

body of each county or municipality served by the agency in a manner approved by the agency.

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

Art. 2.137. PROVISION OF FUNDING OR EQUIPMENT.

(a) The Department of Public Safety shall adopt rules for providing funds or video and audio equipment to law enforcement agencies for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A), including specifying criteria to prioritize funding or equipment provided to law enforcement agencies. The criteria may include consideration of tax effort, financial hardship, available revenue, and budget surpluses. The criteria must give priority to:

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

(2) smaller jurisdictions; and

(3) municipal and county law enforcement agencies.

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

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

Department of Public Safety that the law enforcement agency needs funds or video and audio equipment for that purpose.

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

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

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

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

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

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

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

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

(3) analyzing and reporting collected information.

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

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

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

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

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

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

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

- (1) the name, address, physical description, including race or ethnicity, date of birth, and driver's license number of the person charged;
- (2) the registration number of the vehicle involved;
- (3) whether the vehicle was a commercial motor vehicle as defined by Chapter 522 or was involved in transporting hazardous materials;

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

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

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

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

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

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

SECTION 7. Not later than January 1, 2002, a law enforcement agency shall adopt and implement a policy and begin collecting information under the policy as required by Article 2.132, Code of Criminal Procedure, as added by this Act. A local law enforcement agency shall first submit information to the governing body of each county or municipality served by the agency as required by Article 2.132, Code of Criminal Procedure, as added by this Act, on March 1, 2003. The first submission of information shall consist of information compiled by the agency during the period beginning January 1, 2002, and ending December 31, 2002.

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

SECTION 9. Not later than January 1, 2002:

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

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

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

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

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

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President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1074 passed the Senate on April 4, 2001, by the following vote: Yeas 28, Nays 2; May 21, 2001, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 22, 2001, House granted request of the Senate; May 24, 2001, Senate adopted Conference Committee Report by a viva-voce vote.

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Secretary of the Senate

I hereby certify that S.B. No. 1074 passed the House, with amendments, on May 15, 2001, by a non-record vote; May 22, 2001, House granted request of the Senate for appointment of Conference Committee; May 24, 2001, House adopted Conference Committee Report by a non-record vote.

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Chief Clerk of the House

Approved:

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Date

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Governor

# **Most Recent Legal Requirements (H.B. 3389)**

Amend CSHB 3389 (Senate committee report) as follows:

(1) Strike the following SECTIONS of the bill:

(A) SECTION 8, adding Section 1701.164, Occupations Code (page 4, lines 61-66);

(B) SECTION 24, amending Article 2.132(b), Code of Criminal Procedure (page 8, lines 19-53);

(C) SECTION 25, amending Article 2.134(b), Code of Criminal Procedure (page 8, lines 54-64);

(D) SECTION 28, providing transition language for the amendments to Articles 2.132(b) and 2.134(b), Code of Criminal Procedure (page 9, lines 40-47).

(2) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_ . Article 2.132, Code of Criminal Procedure, is amended by amending Subsections (a), (b), (d), and (e) and adding Subsection (g) to read as follows:

(a) In this article:

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

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

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

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

(1) clearly define acts constituting racial profiling;

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

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

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

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

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

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

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

(C) whether the peace officer knew the race or



ethnicity of the individual detained before detaining that individual; and

(7) require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit [to the governing body of each county or municipality served by the agency] an annual report of the information collected under Subdivision (6) to:

(A) the Commission on Law Enforcement Officer Standards and Education; and

(B) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

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

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

(g) On a finding by the Commission on Law Enforcement Officer Standards and Education that the chief administrator of a law enforcement agency intentionally failed to submit a report required under Subsection (b) (7), the commission shall begin disciplinary procedures against the chief administrator.

SECTION \_\_\_\_\_. Article 2.133, Code of Criminal Procedure, is amended to read as follows:

Art. 2.133. REPORTS REQUIRED FOR MOTOR VEHICLE [TRAFFIC-AND PEDESTRIAN] STOPS. (a) In this article, "race[+

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

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

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

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

(A) the person's gender; and

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

(2) the initial reason for the stop [~~traffic law or ordinance alleged to have been violated or the suspected offense~~];

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

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

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

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

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

(C) the search was performed as a result of the towing of the motor vehicle or the arrest of any person in the motor vehicle [~~existed and the facts supporting the existence of that probable cause~~];

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

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

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

SECTION \_\_\_\_\_. Article 2.134, Code of Criminal Procedure, is amended by amending Subsections (a) through (e) and adding Subsection (g) to read as follows:

(a) In this article:

(1) "Motor vehicle[, "pedestrian] stop" has the meaning assigned by Article 2.132(a) [~~means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest~~].

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

(b) A law enforcement agency shall compile and analyze the information contained in each report received by the agency under Article 2.133. Not later than March 1 of each year, each [~~local~~] law enforcement agency shall submit a report containing the incident-based data [~~information~~] compiled during the previous calendar year to the Commission on Law Enforcement Officer Standards and Education and, if the law enforcement agency is a local law enforcement agency, to the governing body of each county or municipality served by the agency [~~in a manner approved by the agency~~].

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

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

(A) evaluate and compare the number of motor

vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities (determine the prevalence of racial profiling by peace officers employed by the agency); and

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

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

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

(e) The Commission on Law Enforcement Officer Standards and Education, in accordance with Section 1701.162, Occupations Code, shall develop guidelines for compiling and reporting information as required by this article.

(g) On a finding by the Commission on Law Enforcement Officer Standards and Education that the chief administrator of a law enforcement agency intentionally failed to submit a report required under Subsection (b), the commission shall begin disciplinary procedures against the chief administrator.

SECTION \_\_\_\_ . Article 2.135, Code of Criminal Procedure, is amended to read as follows:

Art. 2.135. PARTIAL EXEMPTION FOR AGENCIES USING VIDEO AND AUDIO EQUIPMENT. (a) A peace officer is exempt from the reporting requirement under Article 2.133 and the chief administrator of a law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, is exempt from the compilation, analysis, and reporting requirements under Article 2.134 if:

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

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

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

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

from the state funds or video and audio equipment sufficient, as determined by the department, for the agency to accomplish that purpose.

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

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

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

SECTION \_\_\_\_ . Chapter 2, Code of Criminal Procedure, is amended by adding Article 2.1385 to read as follows:

Art. 2.1385. CIVIL PENALTY. (a) If the chief administrator of a local law enforcement agency intentionally fails to submit the incident-based data as required by Article 2.134, the agency is liable to the state for a civil penalty in the amount of \$1,000 for each violation. The attorney general may sue to collect a civil penalty under this subsection.

(b) From money appropriated to the agency for the administration of the agency, the executive director of a state law enforcement agency that intentionally fails to submit the incident-based data as required by Article 2.134 shall remit to the comptroller the amount of \$1,000 for each violation.

(c) Money collected under this article shall be deposited in the state treasury to the credit of the general revenue fund.

SECTION \_\_\_\_ . Subchapter A, Chapter 102, Code of Criminal Procedure, is amended by adding Article 102.022 to read as follows:

Art. 102.022. COSTS ON CONVICTION TO FUND STATEWIDE REPOSITORY FOR DATA RELATED TO CIVIL JUSTICE. (a) In this article, "moving violation" means an offense that:

(1) involves the operation of a motor vehicle; and  
(2) is classified as a moving violation by the Department of Public Safety under Section 708.052, Transportation Code.

(b) A defendant convicted of a moving violation in a justice court, county court, county court at law, or municipal court shall pay a fee of 10 cents as a cost of court.

(c) In this article, a person is considered convicted if:

(1) a sentence is imposed on the person;  
(2) the person receives community supervision, including deferred adjudication; or  
(3) the court defers final disposition of the person's case.

(d) The clerks of the respective courts shall collect the costs described by this article. The clerk shall keep separate records of the funds collected as costs under this article and shall deposit the funds in the county or municipal treasury, as appropriate.

(e) The custodian of a county or municipal treasury shall:

(1) keep records of the amount of funds on deposit collected under this article; and

(2) send to the comptroller before the last day of the first month following each calendar quarter the funds collected under this article during the preceding quarter.

(f) A county or municipality may retain 10 percent of the funds collected under this article by an officer of the county or municipality as a collection fee if the custodian of the county or municipal treasury complies with Subsection (e).

(g) If no funds due as costs under this article are deposited in a county or municipal treasury in a calendar quarter, the custodian of the treasury shall file the report required for the quarter in the regular manner and must state that no funds were collected.

(h) The comptroller shall deposit the funds received under this article to the credit of the Civil Justice Data Repository fund in the general revenue fund, to be used only by the Commission on Law Enforcement Officer Standards and Education to implement duties under Section 1701.162, Occupations Code.

(i) Funds collected under this article are subject to audit by the comptroller.

SECTION \_\_\_\_\_. (a) Section 102.061, Government Code, as reenacted and amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, is amended to conform to the amendments made to Section 102.061, Government Code, by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session, 2007, and is further amended to read as follows:

Sec. 102.061. ADDITIONAL COURT COSTS ON CONVICTION IN STATUTORY COUNTY COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a statutory county court shall collect fees and costs under the Code of Criminal Procedure on conviction of a defendant as follows:

(1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$20;

(2) a fee for services of the clerk of the court (Art. 102.005, Code of Criminal Procedure) . . . \$40;

(3) a records management and preservation services fee (Art. 102.005, Code of Criminal Procedure) . . . \$25;

(4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . \$3;

(5) a juvenile delinquency prevention and graffiti eradication fee (Art. 102.0171, Code of Criminal Procedure) . . . \$50 [~~\$5~~]; [~~and~~]

(6) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) . . . not to exceed \$5; and

(7) a civil justice fee (Art. 102.022, Code of Criminal Procedure) . . . \$0.10.

(b) Section 102.061, Government Code, as amended by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session, 2007, is repealed. Section 102.061, Government Code, as reenacted and amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, to reorganize and renumber that section, continues in effect as further amended by this section.

SECTION \_\_\_\_\_. (a) Section 102.081, Government Code, as amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, is amended to conform to the amendments made to Section 102.081, Government Code, by Chapter 1053 (H.B. 2151),

Acts of the 80th Legislature, Regular Session, 2007, and is further amended to read as follows:

Sec. 102.081. ADDITIONAL COURT COSTS ON CONVICTION IN COUNTY COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a county court shall collect fees and costs under the Code of Criminal Procedure on conviction of a defendant as follows:

- (1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$20;
- (2) a fee for clerk of the court services (Art. 102.005, Code of Criminal Procedure) . . . \$40;
- (3) a records management and preservation services fee (Art. 102.005, Code of Criminal Procedure) . . . \$25;
- (4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . \$3;
- (5) a juvenile delinquency prevention and graffiti eradication fee (Art. 102.0171, Code of Criminal Procedure) . . . \$50 [~~\$5~~]; ~~and~~
- (6) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) . . . not to exceed \$5; and
- (7) a civil justice fee (Art. 102.022, Code of Criminal Procedure) . . . \$0.10.

(b) Section 102.081, Government Code, as amended by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session, 2007, is repealed. Section 102.081, Government Code, as amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, to reorganize and renumber that section, continues in effect as further amended by this section.

SECTION \_\_\_\_\_. Section 102.101, Government Code, is amended to read as follows:

Sec. 102.101. ADDITIONAL COURT COSTS ON CONVICTION IN JUSTICE COURT: CODE OF CRIMINAL PROCEDURE. A clerk of a justice court shall collect fees and costs under the Code of Criminal Procedure on conviction of a defendant as follows:

- (1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$3;
- (2) a fee for withdrawing request for jury less than 24 hours before time of trial (Art. 102.004, Code of Criminal Procedure) . . . \$3;
- (3) a jury fee for two or more defendants tried jointly (Art. 102.004, Code of Criminal Procedure) . . . one jury fee of \$3;
- (4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . \$4;
- (5) a fee for technology fund on a misdemeanor offense (Art. 102.0173, Code of Criminal Procedure) . . . \$4;
- (6) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) . . . not to exceed \$5;
- (7) a fee on conviction of certain offenses involving issuing or passing a subsequently dishonored check (Art. 102.0071, Code of Criminal Procedure) . . . not to exceed \$30; ~~and~~
- (8) a court cost on conviction of a Class C misdemeanor in a county with a population of 3.3 million or more, if authorized by the county commissioners court (Art. 102.009, Code of Criminal Procedure) . . . not to exceed \$7; and
- (9) a civil justice fee (Art. 102.022, Code of Criminal Procedure) . . . \$0.10.

SECTION \_\_\_\_\_. Section 102.121, Government Code, is amended to read as follows:

Sec. 102.121. ADDITIONAL COURT COSTS ON CONVICTION IN MUNICIPAL COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a municipal court shall collect fees and costs on conviction of a defendant as follows:

- (1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$3;
- (2) a fee for withdrawing request for jury less than 24 hours before time of trial (Art. 102.004, Code of Criminal Procedure) . . . \$3;
- (3) a jury fee for two or more defendants tried jointly (Art. 102.004, Code of Criminal Procedure) . . . one jury fee of \$3;
- (4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . \$3;
- (5) a fee for technology fund on a misdemeanor offense (Art. 102.0172, Code of Criminal Procedure) . . . not to exceed \$4; ~~and~~
- (6) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) . . . not to exceed \$5; and
- (7) a civil justice fee (Art. 102.022, Code of Criminal Procedure) . . . \$0.10.

SECTION \_\_\_\_\_. Subchapter D, Chapter 1701, Occupations Code, is amended by adding Section 1701.164 to read as follows:

Sec. 1701.164. COLLECTION OF CERTAIN INCIDENT-BASED DATA SUBMITTED BY LAW ENFORCEMENT AGENCIES. The commission shall collect and maintain incident-based data submitted to the commission under Article 2.134, Code of Criminal Procedure, including incident-based data compiled by a law enforcement agency from reports received by the law enforcement agency under Article 2.133 of that code. The commission in consultation with the Department of Public Safety, the Bill Blackwood Law Enforcement Management Institute of Texas, the W. W. Caruth, Jr., Police Institute at Dallas, and the Texas Police Chiefs Association shall develop guidelines for submitting in a standard format the report containing incident-based data as required by Article 2.134, Code of Criminal Procedure.

SECTION \_\_\_\_\_. Subsection (a), Section 1701.501, Occupations Code, is amended to read as follows:

(a) Except as provided by Subsection (d), the commission shall revoke or suspend a license, place on probation a person whose license has been suspended, or reprimand a license holder for a violation of:

- (1) this chapter;
- (2) the reporting requirements provided by Articles 2.132 and 2.134, Code of Criminal Procedure; or
- (3) a commission rule.

SECTION \_\_\_\_\_. (a) The requirements of Articles 2.132, 2.133, and 2.134, Code of Criminal Procedure, as amended by this Act, relating to the compilation, analysis, and submission of incident-based data apply only to information based on a motor vehicle stop occurring on or after January 1, 2010.

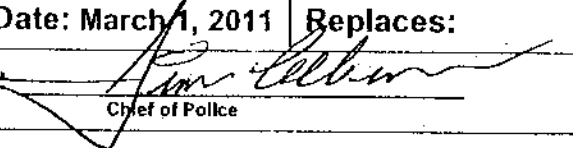
(b) The imposition of a cost of court under Article 102.022, Code of Criminal Procedure, as added by this Act, applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is covered

by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.



## **(II) Responding to the Law**

# **Institutional Policy on Racial Profiling**

<b>CENTER POLICE DEPARTMENT</b>	
<b>Policy 2.2 Racial/Bias Based Policing</b>	
<b>Effective Date: March 1, 2011</b>	<b>Replaces:</b>
<b>Approved:</b> 	
<small>Chief of Police</small>	
<b>Reference: TBP 2.01.1</b>	

**NOTE:** This General Order is for internal use only and does not enhance an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this General Order, if proven, can only form the basis of a complaint by this Department and only in a non-judicial, administrative setting.

**INDEX WORDS:**

Audio and Video Recording Racial Profiling  
Collection of Information Reporting  
Complaint Review  
Ethnicity Training  
Race

**I. PURPOSE**

- A. The purpose of this order is to reaffirm the City of Center Police Department's commitment to unbiased policing in all its encounters with any person; to reinforce procedures that serve to ensure public confidence and mutual trust through the provision of services in a fair and equitable fashion; and to protect our officers from unwarranted accusations of misconduct when they act within the dictates of departmental policy and the law.

**II. POLICY**

- A. It is the policy of this department to police in a **proactive** manner and to aggressively investigate suspected violations of the law. Officers shall actively enforce local, state and federal laws in a responsible and professional manner, without regard to race, ethnicity or national origin. Officers are strictly prohibited from engaging in racial profiling as defined in this policy. Racial profiling is an unacceptable police tactic and will not be condoned.
- B. This Policy is adopted in compliance with the requirements of Articles 2.131 through 2.136, Texas Code of Criminal Procedure, which prohibits Texas peace officers from engaging in racial profiling.

### III. DEFINITIONS

- A. **Racial Profiling** - a law enforcement-initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity. Racial profiling pertains to persons who are viewed as suspects or potential suspects of criminal behavior. The term is not relevant as it pertains to witnesses, complainants, persons needing assistance, or other citizen contacts.
- B. **Race or Ethnicity** - persons of a particular descent, including Caucasian, African, Hispanic, Asian, or Native American descent.
- C. **Acts Constituting Racial Profiling** - acts initiating law enforcement action, such as a traffic stop, a detention, a search, issuance of a citation, or an arrest based solely upon an individual's race, ethnicity, or national origin or on the basis of racial or ethnic stereotypes, rather than upon the individual's behavior, information identifying the individual as having possibly engaged in criminal activity, or other lawful reasons for the law enforcement action.
- D. **Contact** - means an occasion in which a peace officer stops a motor vehicle or pedestrian for an alleged suspicion, or violation of law or ordinance.

### IV. PROHIBITION

- A. Officers of the Center Police Department are strictly prohibited from engaging in racial profiling. The prohibition against racial profiling does not preclude the use of race, ethnicity or national origin as factors in a detention decision by an officer. Race, ethnicity or national origin may be legitimate factors in such a decision when used as part of a description of a suspect or witness for whom an officer is searching.

### V. COMPLAINT PROCESS

- A. No person shall be discouraged, intimidated or coerced from filing a complaint, or be discriminated against because they have filed a complaint.
- B. Any person who believes that a peace officer employed by the Center Police Department has engaged in racial profiling with respect to that person, may file a complaint in accordance with the provisions of Center Police Department Policy section 2.4 **Internal Investigation Process**.
  - 1. An employee who is contacted regarding a complaint against an officer shall follow the procedures set forth in Center Police Department Policy section 2.4 **Internal Investigation Process**.
  - 2. Citizens who appear in person wishing to file a complaint shall be provided with a departmental brochure, "How to File a Complaint." Brochures are maintained in the Center Police Department lobby, and at Center City Hall.
- C. Any supervisor who becomes aware of an alleged or suspected violation of this Policy shall report the alleged violation in accordance with CPD Policy 2.5 **Employee Discipline, Section 2.4 Internal Investigation Process**
- D. Complaints of racial profiling shall be classified as a Level I complaint, and shall be investigated by the Internal Affairs Division, unless otherwise directed

by the Chief of Police. A log of all Racial Profiling Complaints will be maintained by the Internal Affairs Division.

## **VI. DISCIPLINARY AND CORRECTIVE ACTIONS**

- A. Any officer of this Department who is found, after investigation, to have engaged in racial profiling in violation of this Policy may be subject to disciplinary action, up to and including termination. Disciplinary or corrective actions may include diversity, sensitivity or other appropriate training or counseling, as determined by the Chief of Police.

## **VII. PUBLIC EDUCATION**

- A. This Department shall provide education to the public concerning the racial profiling complaint process. The primary method of public education shall be through a brochure, "How to File a Complaint" which are maintained in the lobby of the Center Police Department, and at the Center City Hall. These brochures are available in both English and Spanish versions. Other education methods may be utilized to inform the public, including news media, civic presentations, Center City Television, the Internet, and/or public meetings.

## **VIII. COLLECTION OF INFORMATION AND ANNUAL REPORT WHEN CITATION ISSUED OR ARREST MADE**

- A. For each motor vehicle contact in which a citation is issued and for each arrest resulting from a motor vehicle contact, an officer involved in the stop shall collect the following information:

1. Information identifying the race or ethnicity of the person detained.

The following codes will be used to identify the individual's race:

B = Black

A = Asian

I = Native American / American Indian

H = Hispanic

W=White

M=Middle Eastern

O = Other

Note: Officers may not ask the individual to identify their race. If the officer is unable to determine the race or ethnicity of the person contacted, then the race shall be entered as "Other" on the citation(s) issued.

2. Whether the officer knew the race or ethnicity of the individual detained before detaining that individual;
3. Whether a search was conducted
4. Whether a search was conducted and if so, whether the individual detained consented to the search
5. Whether a search was conducted because probable cause existed;
6. Whether contraband was found;
7. If the person contacted is a resident of the City of Center. This shall be reflected on each citation issued by marking the appropriate area(s) on the citation.

- B. The information collected shall be entered in to the Records Management

System by completing the Racial Profiling data utilizing the computers available in the Department. All contacts requiring Racial Profiling data collection must be entered.

1. In the event the data is unable to be collected electronically, a citation shall be completed and forwarded to the Records Division to be entered into the records management computer system when possible.
- C. The Police Department Secretary shall ensure all Racial Profiling Data is collected and reported to the Chief of Police. The data collected shall be compiled in an annual report covering the period January 1 through December 31 of each year, and shall be submitted to the governing body of the City of Center no later than March 1 of the following year. The report will include:
1. A breakdown of citations by race or ethnicity;
  2. Number of citations that resulted in a search;
  3. Number of searches that were consensual;
  4. Number of citations that resulted in custodial arrest; and
  5. Public education efforts concerning the racial profiling complaint process.
- D. The annual report shall not include identifying information about any individual stopped or arrested, and shall not include identifying information about any peace officer involved in a stop or arrest.
- E. Racial Profiling Data will also be reported to the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) by March 1 of each year, following the Commission's prescribed format.

#### **IX. AUDIO AND VIDEO EQUIPMENT**

- A. Each motor vehicle regularly used by this department to make motor vehicle contacts shall be equipped with a mobile video camera system capable of recording video and audio.
- B. Each contact made by an officer from this department capable of being recorded by video and audio shall be recorded.
- C. Supervisors and Officers shall ensure that mobile video camera equipment, and/or audio equipment, is properly functioning prior to commencing their tour of duty.
- D. Supervisors shall have the authority to assign units with malfunctioning or inoperable mobile video equipment when situations dictate. Officers assigned to such units shall utilize the "Scorpion" pocket cameras upon every contact. There must be documentation of all traffic/pedestrian stops resulting in a search and shall include but is not limited to Traffic Citations and Warning Tickets. All contacts must be on video when possible.

#### **XI. REVIEW OF VIDEO AND AUDIO DOCUMENTATION**

- A. Each audio and video recording shall be retained for a minimum period of ninety (90) days, unless a complaint is filed alleging that an officer has engaged in racial profiling with respect to a motor vehicle contact. The Patrol Sergeants shall ensure that all audio and recordings are properly stored and retained in accordance with applicable laws and this Policy.
- B. If a complaint is received alleging that an officer has engaged in racial

profiling, the audio / video recording shall be forwarded to the Internal Affairs Division. The Internal Affairs Division shall retain the video until final disposition of the complaint has been made.

C. The Patrol Sergeants or their designee shall review a randomly selected sampling of video and audio recordings, made recently by officers employed by the Department, in order to determine if patterns of racial profiling exist. These reviews shall be conducted weekly and documented

1. Written documentation shall include:

- a. the names of the officers whose contacts were reviewed;
- b. the date(s) of the videos reviewed;
- c. the date the actual review was conducted; and
- d. the name of the person conducting the review.

2. The Patrol Sergeant shall forward the required documentation to the Lieutenant.

3. The Lieutenant shall maintain a file of all video review documentation performed, in compliance with this Policy.

D. In reviewing audio and video recordings, the Patrol Sergeant, shall seek to determine if the officer(s) reviewed have engaged in a pattern of racial profiling, that includes multiple acts constituting racial profiling for which there is no reasonable, credible explanation based on established police and law enforcement procedures.

## **XII. TRAINING**

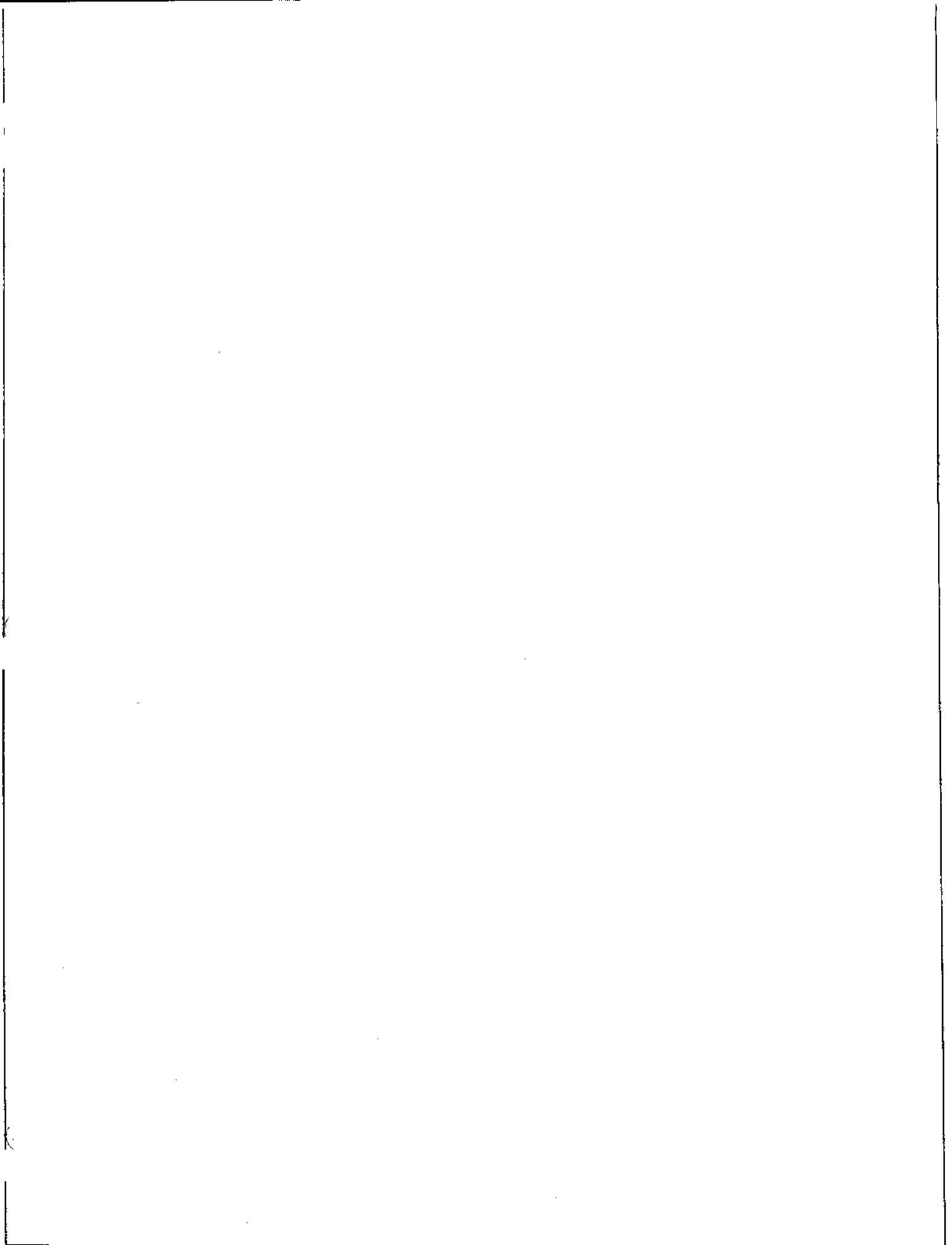
A. Each peace officer employed by the department shall complete the comprehensive education and training program on racial profiling established by the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) not later than the second anniversary of the date the officer was licensed, or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier. A person who on September 1, 2001, held a TCLEOSE intermediate proficiency certificate, or who had held a peace officer license issued by TCLEOSE for at least two years, shall complete a TCLEOSE training and education program on racial profiling not later than September 1, 2003.

B. The Chief of Police shall, in completing the training required by Section 96.641, Texas Education Code, complete the program on racial profiling established by the Bill Blackwood Law Enforcement Management Institute of Texas (LEMIT), not later than September 1, 2003.

## **XIII. EFFECTIVE DATE**

A. Any previous directive, rule, order or regulation that pertains to this subject matter and its amendments shall remain in full force and effect for any violation(s) which occur prior to the effective date of this Policy.

B. If any section, sentence, clause or phrase of this Policy is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this Policy.





# **Complaint Process: Informing the Public and Addressing Allegations of Racial Profiling Practices**

## Informing the Public on the Process of Filing a Racial Profiling Complaint with the Center Police Department

The Texas Racial Profiling Law requires that police agencies provide information to the public regarding the manner in which to file a racial profiling complaint. In an effort to comply with this particular component, the Center Police Department launched an educational campaign aimed at informing the public on issues relevant to the racial profiling complaint process.

The police department made available, in the lobby area and on its web site, information relevant to filing a complaint on a racial profiling violation by a Center Police officer. It is believed that through these efforts, the community has been properly informed of the new policies and the complaint processes relevant to racial profiling.

# **Racial Profiling Training**

## **Racial Profiling Training**

Since 2002, all Center Police officers have been instructed, as specified in the Texas Racial Profiling Law, to adhere to all Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) training and the Law Enforcement Management Institute of Texas (LEMIT) requirements. To date, all sworn officers of the Center Police Department have completed the TCLEOSE basic training on racial profiling. The main outline used to train the officers of Center has been included in this report.

It is important to recognize that the Chief of the Center Police Department has also met the training requirements, as specified by the Texas Racial Profiling Law, in the completion of the LEMIT program on racial profiling. The satisfactory completion of the racial profiling training by the sworn personnel of the Center Police Department fulfills the training requirement as specified in the Education Code (96.641) of the Texas Racial Profiling Law.

**Racial Profiling**  
**Course Number 3256**  
**Texas Commission on Law Enforcement**  
**September 2001**

**Racial Profiling 3256**

**Instructor's Note:**

You may wish to teach this course in conjunction with Asset Forfeiture 3255 because of the related subject matter and applicability of the courses. If this course is taught in conjunction with Asset Forfeiture, you may report it under Combined Profiling and Forfeiture 3257 to reduce data entry.

**Abstract**

This instructor guide is designed to meet the educational requirement for racial profiling established by legislative mandate: 77R-SB1074.

**Target Population:** Licensed law enforcement personnel in Texas

**Prerequisites:** Experience as a law enforcement officer

**Length of Course:** A suggested instructional time of 4 hours

**Material Requirements:** Overhead projector, chalkboard and/or flip charts, video tape player, handouts, practical exercises, and demonstrations

**Instructor Qualifications:** Instructors should be very knowledgeable about traffic stop procedures and law enforcement issues

**Evaluation Process and Procedures**

An examination should be given. The instructor may decide upon the nature and content of the examination. It must, however, sufficiently demonstrate the mastery of the subject content by the student.

**Reference Materials**

Reference materials are located at the end of the course. An electronic copy of this instructor guide may be downloaded from our web site at <http://www.tcleose.state.tx.us>.

# **Racial Profiling 3256**

## **1.0 RACIAL PROFILING AND THE LAW**

**1.1 UNIT GOAL:** The student will be able to identify the legal aspects of racial profiling.

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

### **Racial Profiling Requirements:**

Racial profiling CCP 3.05

Racial profiling prohibited CCP 2.131

Law enforcement policy on racial profiling CCP 2.132

Reports required for traffic and pedestrian stops CCP 2.133

Liability CCP 2.136

Racial profiling education for police chiefs Education Code 96.641

Training program Occupations Code 1701.253

Training required for intermediate certificate Occupations Code 1701.402

Definition of "race or ethnicity" for form Transportation Code 543.202

#### **A. Written departmental policies**

1. Definition of what constitutes racial profiling
2. Prohibition of racial profiling
3. Complaint process
4. Public education
5. Corrective action
6. Collection of traffic-stop statistics
7. Annual reports

#### **B. Not prima facie evidence**

#### **C. Feasibility of use of video equipment**

#### **D. Data does not identify officer**

#### **E. Copy of complaint-related video evidence to officer in question**

#### **F. Vehicle stop report**

1. Physical description of detainees: gender, race or ethnicity
2. Alleged violation
3. Consent to search
4. Contraband
5. Facts supporting probable cause
6. Arrest
7. Warning or citation issued

G. Compilation and analysis of data

H. Exemption from reporting – audio/video equipment

I. Officer non-liability

J. Funding

K. Required training in racial profiling

1. Police chiefs

2. All holders of intermediate certificates and/or two-year-old licenses as of 09/01/2001 (training to be completed no later than 09/01/2003) – see legislation 77R-SB1074

**1.1.2 LEARNING OBJECTIVE: The student will become familiar with Supreme Court decisions and other court decisions involving appropriate actions in traffic stops.**

A. Whren v. United States, 517 U.S. 806, 116 S.Ct. 1769 (1996)

1. Motor vehicle search exemption

2. Traffic violation acceptable as pretext for further investigation

3. Selective enforcement can be challenged

B. Terry v. Ohio, 392 U.S. 1, 88 S.Ct. 1868 (1968)

1. Stop & Frisk doctrine

2. Stopping and briefly detaining a person

3. Frisk and pat down

C. Other cases

1. Pennsylvania v. Mimms, 434 U.S. 106, 98 S.Ct. 330 (1977)

2. Maryland v. Wilson, 117 S.Ct. 882 (1997)

3. Graham v. State, 119 MdApp 444, 705 A.2d 82 (1998)

4. Pryor v. State, 122 Md.App. 671 (1997) cert. denied 352 Md. 312, 721 A.2d 990 (1998)

5. Ferris v. State, 355 Md. 356, 735 A.2d 491 (1999)

6. New York v. Belton, 453 U.S. 454 (1981)

## **2.0 RACIAL PROFILING AND THE COMMUNITY**

**2.1 UNIT GOAL: The student will be able to identify logical and social arguments against racial profiling.**

**2.1.1 LEARNING OBJECTIVE:** The student will be able to identify logical and social arguments against racial profiling.

A. There are appropriate reasons for unusual traffic stops (suspicious behavior, the officer's intuition, MOs, etc.), but police work must stop short of cultural stereotyping and racism

B. Racial profiling would result in criminal arrests, but only because it would target all members of a race randomly – the minor benefits would be far outweighed by the distrust and anger towards law enforcement by minorities and the public as a whole

C. Racial profiling is self-fulfilling bad logic: if you believed that minorities committed more crimes, then you might look for more minority criminals, and find them in disproportionate numbers

D. Inappropriate traffic stops generate suspicion and antagonism towards officers and make future stops more volatile – a racially-based stop today can throw suspicion on tomorrow's legitimate stop

E. By focusing on race, you would not only be harassing innocent citizens, but overlooking criminals of all races and backgrounds – it is a waste of law enforcement resources

### **3.0 RACIAL PROFILING VERSUS REASONABLE SUSPICION**

**3.1 UNIT GOAL:** The student will be able to identify the elements of both inappropriate and appropriate traffic stops.

**3.1.1 LEARNING OBJECTIVE:** The student will be able to identify elements of a racially motivated traffic stop.

A. Most race-based complaints come from vehicle stops, often since race is used as an inappropriate substitute for drug courier profile elements

B. "DWB" – "Driving While Black" – a nickname for the public perception that a Black person may be stopped solely because of their race (especially with the suspicion that they are a drug courier), often extended to other minority groups or activities as well ("Driving While Brown," "Flying While Black," etc.)

C. A typical traffic stop resulting from racial profiling

1. The vehicle is stopped on the basis of a minor or contrived traffic violation which is used as a pretext for closer inspection of the vehicle, driver, and passengers

2. The driver and passengers are questioned about things that do not relate to the traffic violation



3. The driver and passengers are ordered out of the vehicle
4. The officers visually check all observable parts of the vehicle
5. The officers proceed on the assumption that drug courier work is involved by detaining the driver and passengers by the roadside
6. The driver is asked to consent to a vehicle search – if the driver refuses, the officers use other procedures (waiting on a canine unit, criminal record checks, license-plate checks, etc.), and intimidate the driver (with the threat of detaining him/her, obtaining a warrant, etc.)

**3.1.2 LEARNING OBJECTIVE: The student will be able to identify elements of a traffic stop which would constitute reasonable suspicion of drug courier activity.**

**A. Drug courier profile (adapted from a profile developed by the DEA)**

1. Driver is nervous or anxious beyond the ordinary anxiety and cultural communication styles
2. Signs of long-term driving (driver is unshaven, has empty food containers, etc.)
3. Vehicle is rented
4. Driver is a young male, 20-35
5. No visible luggage, even though driver is traveling
6. Driver was over-reckless or over-cautious in driving and responding to signals
7. Use of air fresheners

B. Drug courier activity indicators by themselves are usually not sufficient to justify a stop

**3.1.3 LEARNING OBJECTIVE: The student will be able to identify elements of a traffic stop which could constitute reasonable suspicion of criminal activity.**

**A. Thinking about the totality of circumstances in a vehicle stop**

**B. Vehicle exterior**

1. Non-standard repainting (esp. on a new vehicle)
2. Signs of hidden cargo (heavy weight in trunk, windows do not roll down, etc.)
3. Unusual license plate suggesting a switch (dirty plate, bugs on back plate, etc.)
4. Unusual circumstances (pulling a camper at night, kids' bikes with no kids, etc.)

**C. Pre-stop indicators**

1. Not consistent with traffic flow
2. Driver is overly cautious, or driver/passengers repeatedly look at police car
3. Driver begins using a car- or cell-phone when signaled to stop
4. Unusual pull-over behavior (ignores signals, hesitates, pulls onto new street, moves objects in car, etc.)

D. Vehicle interior

1. Rear seat or interior panels have been opened, there are tools or spare tire, etc.
2. Inconsistent items (anti-theft club with a rental, unexpected luggage, etc.)

**Resources**

Proactive Field Stops Training Unit – Instructor's Guide, Maryland Police and Correctional Training Commissions, 2001. (See Appendix A.)

Web address for legislation 77R-SB1074:

<http://tlo2.tlc.state.tx.us/tlo/77r/billtext/SB01074F.htm>

# **Report on Complaints**

# **Tables Illustrating Traffic and Motor Vehicle-Related Contacts**

## Report on Complaints

The following table contains data regarding officers that have been the subject of a complaint, during the time period of 1/1/12---12/31/12, based on allegations outlining possible violations related to the Texas Racial Profiling Law. The final disposition of the case is also included.

☒ X

A check above indicates that the Center Police Department has not received any complaints, on any members of its police force, for having violated the Texas Racial Profiling Law during the time period of 1/1/17---- 12/31/17

### Complaints Filed for Possible Violations of The Texas Racial Profiling Law

Complaint No.	Alleged Violation			Disposition of the Case

### Additional Comments:

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# Racial Profile Report

## CENTER POLICE DEPARTMENT

01/01/2017 to 12/31/2017

### Number of motor vehicle stops:

1. 2,397 citation only  
2. 2 arrest only  
3. 49 both

4. 2,448 Total

### Race or Ethnicity:

5. 799 African  
6. 31 Asian  
7. 1,234 Caucasian  
8. 371 Hispanic  
9. 12 Middle Eastern  
10. 1 Native American

11. 2,448 Total

### Race or Ethnicity known prior to stop?

12. 112 Yes  
13. 2,336 No

14. 2,448 Total

### Search conducted:

15. 50 Yes  
16. 2,398 No

17. 2,448 Total

### Was search consented?

18. 27 Yes  
19. 23 No  
20. 50 Total Must equal #15

	Caucasian	African	Asian	Native Amr	Hispanic	Middle East	Searches	Non Search	Consent Se	Non Conse	Citations	O Arrests	Onl Citation	an Race\Ethnicity	known	No
Total	1234	799	31	1	371	12	50	2398	27	23	2397	2	49	112	2336	
% of Total	50.41	32.64	1.27	0.04	15.16	0.49	2.04	97.96	1.1	0.94	97.92	0.08	2	4.58	95.42	

**Partial Exemption Racial Profiling Reporting (Tier 1)**

Department Name Center Police Dept

Agency Number 936-598-2788

Chief Administrator Name Tim Albers

Reporting Name Donna Dugger

Contact Number 936-598-2788

E-mail Address ddugger@ci.center.tx.us

**Certification to Report 2.132 (Tier 1) – Partial Exemption**

**Policy Requirements (2.132(b) CCP): Each law enforcement agency in this state shall adopt a detailed written policy on racial profiling. The policy must:**

- (1) clearly define acts constituting racial profiling;
- (2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;
- (3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;
- (4) provide public education relating to the agency's complaint process;
- (5) require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article;
- (6) require collection of information relating to motor vehicle

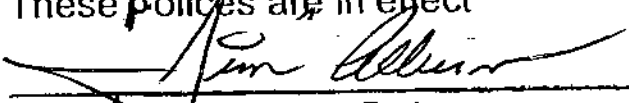


stops in which a citation is issued and to arrests made as a result of those stops, including information relating to:

- (A) the race or ethnicity of the individual detained;
  - (B) whether a search was conducted and, if so, whether the individual detained consented to the search; and
  - (C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and
- (7) require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:

- (A) the Commission on Law Enforcement Officer Standards and Education; and
- (B) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

These policies are in effect

 : 1/8/2018

Chief/Administrator Date

# Partial Exemption Racial Profiling Reporting

(Tier 1)

## Video and Audio Equipment Exemption

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

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

OR

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

I claim this exemption

  
Chief Administrator Date 1/8/2018

## Option to submit required data by utilizing agency report

You must submit your report in PDF format

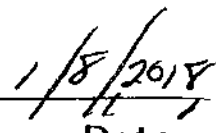
Electronic Submission of data required by 2.132(b)(6) CCP

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

- (A) The race or ethnicity of the individual detained;
- (B) Whether a search was conducted and, if so, whether the individual detained consented to the search; and
- (C) Whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and

This report meets the above requirements

  
Chief Administrator

  
Date

# Checklist

## Checklist

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

- ☒ Clearly defined act or actions that constitute racial profiling
- ☒ Statement indicating prohibition of any peace officer employed by the Center 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
- ☒ Implement disciplinary guidelines for officer found in violation of the Texas Racial Profiling Law
- ☒ Collect data (Tier 1) that includes information on
  - a) Race and ethnicity of individual detained
  - b) Whether a search was conducted
  - c) If there was a search, whether it was a consent search or a probable cause search
  - d) Whether a custody arrest took place
- ☒ Indicate total number of officers who knew and did not know, the race/ethnicity of individuals before being detained.
- ☒ Produce an annual report on police contacts (Tier 1) and present this to local governing body and TCLEOSE by March 1, 2017
- ☒ Adopt a policy, if video/audio equipment is installed, on standards for reviewing video and audio documentation

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- b) Table of Contents
- c) TCLEOSE Guidelines
- d) The Texas Law on Racial Profiling (S.B. 1074)
- e) The Most Recent Legal Requirements (H.B. 3389)

### **(II) Responding to the Texas Racial Profiling Law**

- a) Institutional Policy on Racial Profiling
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Information Table (2015)/Known Ethnicity and Race of Detained and  
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### **(III) Summary**

- a) Checklist
- b) Contact Information

## **ITEMS OF INTEREST**

1. Center Police Department Press Release.
2. Center Recreation Department Press Release.
3. WWTP Photos.
4. TML Membership Letter.



## **Center Police Department's K9 Taz to get body armor**

Center Police Department's K9 Taz will receive a bullet and stab protective vest thanks to a charitable donation from non-profit organization Vested Interest in K9s, Inc. and will be embroidered with the sentiment "In memory of K9 Diezel, UMass Amherst Police Department". Delivery is expected within eight to ten weeks.

K9 Taz is a 4 year old Malinoid who is certified in tracking, but not biting, and narcotics. Taz was donated to the Center Police Department in 2013 by K9 Officers, and was assigned to Officer Steve Thornburgh in July of 2016. In August 2016, hyper and energetic Taz tested his handlers' stamina while attending the Houston K9 Academy, completing 120 hours of training and certification. K9 Taz enjoys training days and relaxes by playing fetch and chewing his ball.

Vested Interest in K9s, Inc. is a 501c (3) charity located in East Taunton, MA whose mission is to provide bullet and stab protective vests and other assistance to dogs of law enforcement and related agencies throughout the United States. The non-profit was established in 2009 to assist law enforcement agencies with this potentially lifesaving body armor for their four-legged K9 officers. Since its inception, Vested Interest in K9s, Inc. provided over 2,800 protective vests, in 50 states, through private and corporate donations, at a cost of over 2.4 million dollars.

The program is open to dogs actively employed in the U.S. with law enforcement or related agencies who are certified and at least 20 months of age. New K9 graduates, as well as K9s with expired vests, are eligible to participate.

The donation to provide one protective vest for a law enforcement K9 is \$950.00. Each vest has a value between \$1,744 – \$2,283 and a five-year warranty, and an average weight of 4-5 lbs. There is an estimated 30,000 law enforcement K9s throughout the United States. For more information or to learn about volunteer opportunities, please call 508-824-6978. Vested Interest in K9s, Inc. provides information, lists events, and accepts tax-deductible donations of any denomination at [www.vik9s.org](http://www.vik9s.org) or mailed to P.O. Box 9 East Taunton, MA 02718.





**Spring Sports Start Soon  
Sign Ups Scheduled for Soccer, Softball and Baseball**

The Center Recreation Department is proud to announce the 2018 Spring Sports sign ups will begin soon.

**Where? The Center Middle School Cafeteria**

**When?**  
**Friday, February 2**  
**Tuesday, February 6 and**  
**Friday, February 9**  
**All from 5:00 to 7:00 pm**

Each child must present a **Copy of their Birth Certificate**. A **Medical Form** must be signed by their parent or guardian at Sign-Ups. Anyone interested in **Coaching** or **Volunteering**, please notify a Board Member at Sign-Ups.

See You There

For more information contact Jason Mitchell, City of Center Recreation Director at 936/590-7196

City of Center | 936/598-2941 | [www.CenterTexas.org](http://www.CenterTexas.org)

City of Center, 617 Tenaha Street, Center, TX 75935

[SafeUnsubscribe™ {recipient's email}](#)

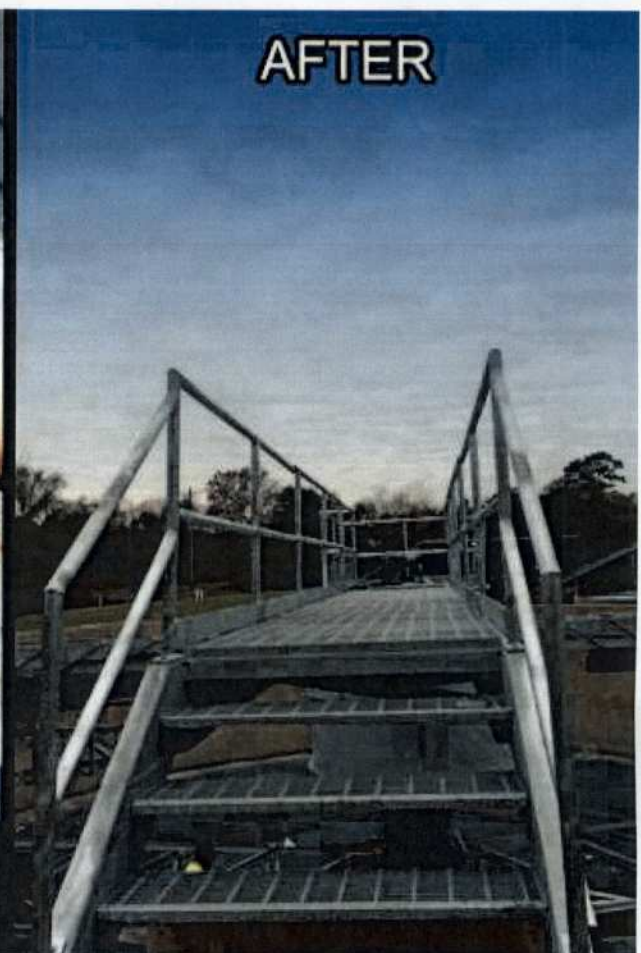
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Sent by [jgibson@centertexas.org](mailto:jgibson@centertexas.org) in collaboration with

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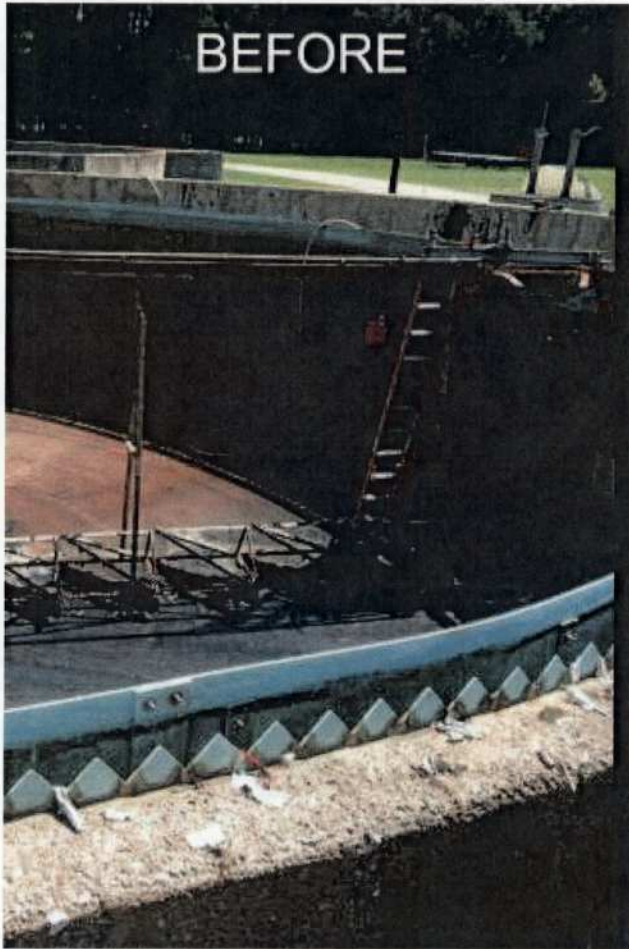








**BEFORE**



**AFTER**





TEXAS MUNICIPAL LEAGUE

*Empowering Texas cities to serve their citizens*

President **Holly Gray-McPherson**, Mayor Pro Tem, Roanoke  
Executive Director **Bennett Sandlin**

January 11, 2018

Barbara A. Boyd  
City Secretary  
City of Center  
PO Box 1744  
Center, TX 75935-1744

Dear Ms. Boyd:

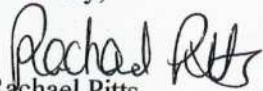
It is time to renew the City of Center's membership with the Texas Municipal League (TML). An invoice is enclosed for your convenience.

We are thankful for your city's continued participation and hope that you are taking full advantage of member benefits:

- ✓ **Legislative Advocacy.** The League vigorously coordinates and advocates for a legislative program set by our member cities at the state and federal level.
- ✓ **Legal Support.** City officials have to know a lot, and we're here to help. TML has attorneys on staff to answer general legal questions about municipal law, and monitor federal and state laws and regulations, as well as city-related developments in the courts.
- ✓ **Training.** From our annual conference to workshops on municipal hot-topics to webinars, the League offers training events to help you better serve your citizens and community.
- ✓ **Resources and Experts.** Whether it's connecting you to our library of information, publications, an expert in the field, a private-sector service, revenue sources, example policies/ordinances, or national and state programs, we've got access to the people and resources to help you seize an opportunity or creatively solve a problem.
- ✓ **Risk and Health Pools.** TML sponsors two very successful pooling programs (property/liability/worker's compensation and health ) that provide huge dollar savings for TML member cities.

We look forward to serving you for another year. If you have any questions about member benefits or the renewal notice, please contact me at (512) 231-7472 or [rpitts@tml.org](mailto:rpitts@tml.org).

Sincerely,

  
Rachael Pitts

Deputy Executive Director, Member Services  
Texas Municipal League