

**RICHLAND HILLS CITY COUNCIL
REGULAR MEETING AGENDA
FEBRUARY 10, 2025
CITY HALL, 3200 DIANA DRIVE**

The Work Session and Regular Session are open to the public. If Executive Session is required, it will be held in the Council Conference Room, and is closed to the public. Please note that although the Council will generally consider the items on the agenda in the order shown below, they may elect to re-order items in order to accommodate the needs of the Council, city staff, presenters, or the public generally. Therefore, members of the public interested in any agenda item are encouraged to be in attendance at the start of the meeting.

CITY COUNCIL WORK SESSION – 6:30 PM

1. **Executive Session:** Pursuant to the Open Meetings Act, Chapter 551, Texas Government Code, Sections 551.071, 551.072, 551.073, 551.074, 551.076, 551.087, 418.183(f) and 418.106(d) & (e). **Executive Session may be held, under these exceptions, at any time during the meeting that a need arises for the City Council to seek advice from the City Attorney as to the posted subject matter of this City Council meeting.**
2. Discuss items listed on tonight's City Council agenda. No action will be taken and each item will be considered during the Regular Session.

CITY COUNCIL REGULAR SESSION – 7:00 PM

CALL TO ORDER

INVOCATION AND PLEDGES OF ALLEGIANCE

1. PRESENTATIONS

- A. Employee Service Award
 - Public Works Crew Leader Pedro Rodriguez – 5 years
- B. Citizen Appearances/Public Comments

Citizen comments emailed to Lindsay Rawlinson (lrawlinson@richlandhills.com) on an item either listed on this agenda or not listed on this agenda will be heard at this time. Citizens in attendance at the meeting who have signed a card to speak to the City Council will also be heard at this time. In compliance with the Texas Open Meetings Act, unless the subject matter of the presentation is on the agenda, the city staff and City Council members are prevented from discussion of the subject and may respond only with statements of factual information or existing city policy. Citizens will have three (3) minutes to address City Council. Public comment will not be taken on items that the Council has previously considered in a public hearing.

2. CONSENT AGENDA

All items listed below are considered to be routine by the City Council and will be enacted with one motion. There will be no separate discussion of the items unless a Councilmember or citizen so requests, in which event the item will be removed from the consent agenda and considered in its normal sequence. Approval of the consent agenda authorizes the City Manager to implement each item in accordance with staff recommendations.

- A. Approve minutes from the January 27, 2025 City Council Regular Meeting
- B. Acknowledge receipt of 2024 Racial Profiling Report
- C. Table consideration of an Interlocal Agreement between the City of Richland Hills and City of Watauga for fleet maintenance services

3. PUBLIC HEARINGS, MEETINGS, AND OTHER RELATED ITEMS

- A. Consider Ordinance 1521-25 a Specific Use Permit (2024-1084) to permit a "Live/Work Unit" for the property described as Hayworth Sol Survey, Abstract 710, Tract 2A04K, otherwise known as 3917 Booth Calloway, Richland Hills, Texas 76118 **PUBLIC HEARING**

4. ORDINANCES & RESOLUTIONS AND OTHER RELATED ITEMS

- A. Consider Resolution 609-25 adopting a policy establishing the City's social media accounts and City website as the official pages for communicating City business and providing guidance to elected and appointed officials regarding the proper and effective use of social media

5. CONTRACTS, AGREEMENTS, BID AWARDS AND OTHER RELATED ITEMS

- A. None

6. OTHER ITEMS FOR CONSIDERATION

- A. None

7. REPORTS & DISCUSSIONS

- A. None

8. COMMUNITY INTEREST ITEMS

This is a standing item on the agenda of every regular meeting of the City Council. (The Texas Open Meetings Act effective September 1, 2009, provides that "a quorum of the city council may receive from municipal staff, and a member of the governing body may make, a report regarding items of community interest during a council meeting without

having given notice of the subject of the report, provided no action is taken or discussed.”
The Open Meetings Act does not allow Council to discuss an item concerning pending City Council business unless it is specifically, appropriately posted on the agenda.) An “item of community interest” includes the following:

- information regarding holiday schedules;
- honorary recognitions of city officials, employees, or other citizens;
- reminders about upcoming events sponsored by the city or other entity that is scheduled to be attended by a city official or city employee; and
- announcements involving imminent public health and safety threats to the city

9. EXECUTIVE SESSION

Executive Session: Pursuant to the Open Meetings Act, Chapter 551, Texas Government Code, Sections 551.071, 551.072, 551.073, 551.074, 551.076, 551.087, 418.183(f) and 418.106(d) & (e). **Executive Session may be held, under these exceptions, at any time during the meeting that a need arises for the City Council to seek advice from the City Attorney as to the posted subject matter of this City Council meeting.**

Reconvene into open session for possible action resulting from any items posted and legally discussed in Executive Session.

10. ADJOURNMENT

CERTIFICATE

I hereby certify that the above agenda was posted on this the 6th day of February 2025 by 5:30 p.m., on the official bulletin board at the Richland Hills City Hall, 3200 Diana Drive, Richland Hills, Texas, pursuant to the Texas Government Code, Chapter 551.

Lindsay Rawlinson

Lindsay Rawlinson
City Secretary



ACCESSIBILITY STATEMENT

The Facility is wheelchair accessible. If you plan to attend this public meeting and have a disability that requires special arrangements, please notify the City Secretary 48 hours in advance at (817) 616-3811 and reasonable accommodations will be made to assist you.

Memorandum

To: Honorable Mayor Curtis Bergthold and Richland Hills City Council Members

From: Kip Dernovich, Director of Public Works and Capital Projects

Date: February 10, 2025

Subject: Employee Service Award

Agenda Item:

Presentation of 5-year Service Award to Public Works Crew Leader Pedro Rodriguez

Background Information:

Pedro has been with the City of Richland Hills since January of 2020. He had a bit of an auspicious start with the Department, starting employment with the City at the start of the COVID-19 pandemic. He was eventually one of four (4) Public Works employees who helped get the Department through some difficult times.

Pedro started as a Public Works Technician I and has recently worked his way up to Crew Leader. He has a focus in the Water / Wastewater area but is adept at all aspects of Utilities and Public Works. He holds a Water Distribution C license, Wastewater Collections I license, and a Vector (Mosquito Abatement) license). With his background as a paint and body technician, Pedro likes to work on all types of cars in his off-time. However, Pedro's greatest love is spending time with his family (Wife – Elisha, Daughters – Brianna and Kelany and Son – Pedro Jr.)

Pedro is a great asset to the Public Works Department, and they are glad to have him as a part of the team.

Financial Considerations:

N/A

Legal Review:

N/A

Board/Citizen Input:

N/A

Attachments:

N/A

Council Action Requested:

Presentation of 5-year Service Award to Public Works Crew Leader Pedro Rodriguez

Memorandum

To: Honorable Mayor Curtis Bergthold and Richland Hills City Council Members

From: Lindsay Rawlinson, City Secretary

Date: February 10, 2025

Subject: Minutes from the January 27, 2025 Regular City Council Meeting

Agenda Item:

Approval of minutes from the January 27, 2025 City Council Regular Meeting

Background Information:

N/A

Financial Considerations:

N/A

Legal Review:

N/A

Board/Citizen Input:

N/A

Attachments:

January 27, 2025 Draft Minutes

Council Action Requested:

Motion to approve the minutes from the January 27, 2025 City Council Regular Meeting

**RICHLAND HILLS CITY COUNCIL
REGULAR MEETING
JANUARY 27, 2025
MINUTES**

Roll Call:

Council present

Curtis Bergthold, Mayor
Douglas Knowlton, Mayor Pro Tem
Travis Malone, Place 2
Theresa Bledsoe, Place 3
John Skier, Place 4
G.W. Estep, Place 5
Roland Goveas, Place 6

Council absent

Staff present

Candice Edmondson, City Manager
Lindsay Rawlinson, City Secretary
Elizabeth Yelverton, City Attorney

CITY COUNCIL WORK SESSION – 6:30 PM

1. **Executive Session:** Pursuant to the Open Meetings Act, Chapter 551, Texas Government Code, Sections 551.071, 551.072, 551.073, 551.074, 551.076, 551.087, 418.183(f) and 418.106(d) & (e). Executive Session may be held, under these exceptions, at any time during the meeting that a need arises for the City Council to seek advice from the City Attorney as to the posted subject matter of this City Council meeting.

None.

2. **Discuss Social Media Best Practices and Guidelines for Elected and Appointed Officials**

City Manager Candice Edmondson advised that at the request of City Council members, staff has developed a policy for social media use by elected and appointed officials. She presented the draft policy including reading the proposed purpose statement which states: "The purpose of this policy is to provide guidelines for the proper and effective use of social media by elected and appointed officials of the City of Richland Hills. This policy ensures social media use aligns with legal, ethical, and professional standards while fostering transparency, accountability, respectful communication, and meaningful community engagement."

Discussion ensued regarding requiring an acknowledgement form for all City Councilmembers and board members as well as providing standard language for use on social media pages.

- 3. Discuss items listed on tonight's City Council agenda. No action will be taken and each item will be considered during the Regular Session.**

None.

Mayor Bergthold adjourned the work session at 7:05 p.m.

REGULAR SESSION – Mayor Bergthold Called to Order – Time 7:05 p.m.

INVOCATION AND PLEDGES OF ALLEGIANCE – Councilmember GW Estep

PRESENTATIONS

1A. Business Spotlight: Roots Cafe

Director of Planning and Development Services JP Ducay introduced representatives from Roots Café located at 7012 Boulevard 26 which received its Certificate of Occupancy on October 30, 2024.

1B. Employee Service Award

Mayor Bergthold announced the employee service award and expressed congratulations to the following employee on reaching an employment milestone with the City of Richland Hills:

10 Years of Service

Fire Marshal Shelby Brock

1C. World Read Aloud Day Proclamation

Mayor Bergthold read a proclamation declaring February 5, 2025, as "World Read Aloud Day" in Richland Hills and encouraged everyone to participate. He presented the proclamation to Library Director Chantele Hancock.

1D. Citizen Appearances/Public Comments

Sayed Syed, 6705 Sapphire Circle North, Colleyville, Texas, expressed her appreciation to the City Council for their support in her candidacy for the Tarrant Appraisal District Board. She stated that she was not elected but provided a brief update on newly elected board members and a recent meeting she attended.

CONSENT AGENDA

2A. Approved minutes from the January 13, 2025 City Council Regular Meeting

2B. Tabled Interlocal Agreement between the City of Richland Hills and City of Watauga for fleet maintenance and authorize City Manager to sign

Agenda Item 2B was removed from the Consent Agenda and given separate discussion.

Motion: Motion was made by Mayor Pro Tem Knowlton and seconded by Councilmember Skier to remove Agenda Item 2B from the consent agenda.

Motion carried by a vote of 7-0.

2A. Approved minutes from the January 13, 2025 City Council Regular Meeting

Motion: Motion was made by Councilmember Skier and seconded by Councilmember Malone to approve the consent agenda.

Motion carried by a vote of 7-0.

2B. Tabled Interlocal Agreement between the City of Richland Hills and City of Watauga for fleet maintenance and authorize City Manager to sign

Motion: Motion was made by Councilmember Goveas and seconded by Mayor Pro Tem Knowlton to table Agenda Item 2B to the February 10, 2025 City Council meeting.

Motion carried by a vote of 7-0.

PUBLIC HEARINGS, MEETINGS, AND OTHER RELATED ITEMS

3. None.

ORDINANCES & RESOLUTIONS AND OTHER RELATED ITEMS

4. None.

CONTRACTS, AGREEMENTS, BID AWARDS AND OTHER RELATED ITEMS

5. None.

OTHER ITEMS FOR CONSIDERATION

6. None.

REPORTS & DISCUSSIONS**7A. Street Improvement Projects**

Director of Public Works and Capital Projects Kip Dernovich provided the street improvement projects update and advised of the status of the Magnolia Park project, the FY2025 County Street project, and the illuminated street signs.

Discussion ensued regarding potential project delays.

7B. 1st Quarter Investment Report

Finance Director Erika McComis presented the 1st Quarter Investment Report and advised that the City is in a strong financial position.

7C. December Department Reports

Finance Director Erika McComis provided the Financial report including sales tax and property tax collection.

Police Captain Scott Russell provided the Police Department update and expressed appreciation to the Public Works Department and the Fire Department for their help following the recent icy weather.

COMMUNITY INTEREST ITEMS**8. Councilmember Estep advised of several upcoming events:**

- Now through Friday, January 31, 2025, The Link Membership sale, The Link;
- Thursday, January 30, 2025, Tarrant County Food Pantry, Richland Hills Baptist Church, 5:30 to 7:00 p.m.;
- Monday, February 10, 2025, Furever Buddy Fundraiser, McAlister's Deli, 9143 Boulevard 26, Suite 600, 5:00 to 10:00 p.m.;
- Tuesday, February 11, 2025,
 - o Senior Sweetheart Social, The Link, 11:00 a.m. to 1:00 p.m.;
 - o Richland Hills Literary Club, Public Library, 6:30 p.m.;
- Thursday, February 13, 2025,
 - o Senior Lunch Bunch and Bingo, The Link, 12:00 to 2:00 p.m.;
 - o Tarrant County Food Pantry, Richland Hills Baptist Church, 5:30 to 7:00 p.m.;
- Friday, February 14, 2025, Parents Night Out, The Link, 5:30 to 9:00 p.m.; and
- Every Thursday, Coffee Talk, Public Library, 10:00 to 11:30 a.m.

Councilmember Roland Goveas left the meeting at 8:10 p.m.

EXECUTIVE SESSION

9. **Executive Session:** Pursuant to the Open Meetings Act, Chapter 551, Texas Government Code, Sec. 551.071, Sec. 551.072, Sec. 551.073, Sec. 551.074, Sec. 551.076, Sec. 551.087 and Sec. 418.0183 (f) and 418.106 (d) & (e) of the Texas Government Code (Texas Disaster Act).

1. Section 551.074: Deliberation regarding Personnel Matters
a) City Secretary Annual Review

Motion: Motion was made by Councilmember Knowlton and seconded by Mayor Pro Tem Estep to adjourn into Executive Session at 8:13 p.m.

Motion carried by a vote of 6-0.

Mayor Bergthold reconvened into open session at 9:34 p.m.

Motion: Motion was made by Councilmember Malone and seconded by Councilmember Skier to amend the employment contract with the City Secretary as discussed in Executive Session.

Motion carried by a vote of 6-0.

ADJOURNMENT

10. There being no further business to come before the City Council, Mayor Bergthold declared the meeting adjourned at 9:34 p.m.

ATTEST:

APPROVED:

Lindsay Rawlinson, City Secretary

Curtis Bergthold, Mayor

Memorandum

To: Honorable Mayor Curtis Bergthold and Richland Hills City Council Members

From: Kimberly Sylvester, Chief of Police

Date: February 10, 2025

Subject: 2024 Racial Profiling Report

Agenda Item:

Richland Hills Police Department 2024 Racial Profiling Report

Background Information:

The Sandra Bland Law requires for police agencies in Texas to collect and report data on motor vehicle contacts with the public. Specifically, the law requires agencies to:

- a) Draft a policy that prohibits racial profiling among police officers.
- b) Inform the public on how to file a compliment or complaint on racial profiling. This must occur each time a police officer issues a ticket, citation, or warning.
- c) Perform quarterly data audits to ensure that the ticket data is valid and reliable.
- d) Ensure that all officers are trained on racial profiling and that their training is current.
- e) Analyze the data annually with a specific breakdown of searches. This must show how minorities are compared to non-minority contacts.
- f) Submit the annual report to TCOLE and the City Council by March 1st of each year.

If the agency fails to comply with the law, a penalty can be assessed in the amount of \$5,000 per incident, and the Police Chief's license can be suspended.

The department contracts annually with Dr. Alex del Carmen with DC Consulting, who analyzes, reviews, and conducts quarterly audits throughout the year and prepares the annual racial profiling report. He is an expert in the field and trains across the country.

The 2024 report indicated that the Richland Hills Police Department complied with all mandated requirements of the law, and there were no reported concerns about the data analyzed that resulted from motor vehicle stops.

Financial Considerations:

N/A

Legal Review:

N/A

Board/Citizen Input:

N/A

Attachments:

2024 Racial Profiling Report

Council Action Requested:

No Council Action

RICHLAND HILLS

Police Department

RACIAL PROFILING REPORT

2024



DEL CARMEN
Consulting, LLC.

LAW ENFORCEMENT EXPERTS

"Dr. Alex del Carmen's work on racial profiling exemplifies the very best of the Sandra Bland Act, named after my daughter. My daughter's pledge to fight for injustice is best represented in the high quality of Dr. del Carmen's reports which include, as required by law, the data analysis, audits, findings and recommendations. I commend the agencies that work with him as it is clear that they have embraced transparency and adherence to the law."

-Quote by Geneva Reed (Mother of Sandra Bland)



January 9, 2025

Richland Hills City Council
3200 Diana Dr.
Richland Hills, TX 76118

Dear Distinguished Members of the City Council,

The Texas Racial Profiling Law was enacted by the Texas Legislature in 2001, with the intent of addressing the issue of racial profiling in policing. During the last calendar year, the Richland Hills 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 Texas legislative session, the Racial Profiling Law was modified, and additional requirements were implemented. Further, in 2017 the Sandra Bland Act was passed and signed into law (along with HB 3051, which introduced new racial and ethnic designations). The Sandra Bland Law currently requires that law enforcement agencies in the state collect additional data and provide a more detailed analysis. I am pleased to report that all of these requirements have been met by the Richland Hills Police Department and are included in this report.

In this annual report, you will find three sections with information on motor vehicle-related contacts. In addition, when applicable, documentation is included which demonstrates the way the Richland Hills Police Department has complied with the Texas Racial Profiling Law. In section one, you will find the table of contents. Section two documents compliance by the Richland Hills Police Department relevant to the requirements established in the Texas Racial Profiling Law. That is, you will find documents relevant to the training of all police personnel on racial profiling prevention and the institutionalization of the compliment and complaint processes, as required by law.

Section three contains statistical data relevant to contacts (as defined by the law) which were made during motor vehicle stops that took place between 1/1/24 and 12/31/24. Further, this section includes the Tier 2 form, which is required to be submitted to TCOLE (Texas Commission on Law Enforcement) and the law enforcement agency's local governing authority by March 1 of each year. The data in this report has been fully analyzed and compared to information derived from the U.S. Census Bureau's Fair Roads Standard. The final analysis and recommendations are also included in this report.

In the last section of the report, you will find the original draft of the Texas Racial Profiling Law, SB1074, as well as the Sandra Bland Act (current law). Also in this section, a list of requirements relevant to the Racial Profiling Law, as established by TCOLE is included. The findings in this report support the Richland Hills Police Department's commitment to comply with the Texas Racial Profiling Law.

Sincerely,

Alex del Carmen, Ph.D.

Table of Contents

INTRODUCTION	
Letter to Council Members	2
Table of Contents	3
RESPONDING TO THE LAW	
Public Education on Filing Compliments and Complaints	4
Racial Profiling Course Number 3256	5
Reports on Compliments and Racial Profiling Complaints	11
Tier 2 Data (Includes tables)	13
ANALYSIS AND INTERPRETATION OF DATA	
Tier 2 Motor Vehicle-Related Contact Analysis	23
Comparative Analysis	24
Summary of Findings	26
Checklist	27
LEGISLATIVE AND ADMINISTRATIVE ADDENDUM	
TCOLE Guidelines	29
The Texas Law on Racial Profiling	34
Modifications to the Original Law	41
Racial and Ethnic Designations	49
The Sandra Bland Act	50
Richland Hills Police Department Racial Profiling Policy	65

Public Education on Responding to Compliments and Complaints

Informing the Public on the Process of Filing a Compliment or Complaint with the Richland Hills Police Department

The Texas Racial Profiling Law requires that police agencies provide information to the public regarding the manner in which to file a compliment or racial profiling complaint. In an effort to comply with this particular component, the Richland Hills 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 compliment and complaint on a racial profiling violation by a Richland Hills Police Officer. In addition, each time an officer issues a citation, ticket or warning, information on how to file a compliment or complaint is given to the individual cited. This information is in the form of a web address (including in the document issued to the citizen), which has instructions and details specifics related to the compliment or complaint processes.

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.

All Richland Hills Police Officers have been instructed, as specified in the Texas Racial Profiling Law, to adhere to all Texas Commission on Law Enforcement (TCOLE) training and the Law Enforcement Management Institute of Texas (LEMIT) requirements. To date, all sworn officers of the Richland Hills Police Department have completed the TCOLE basic training on racial profiling. The main outline used to train the officers of Richland Hills has been included in this report.

It is important to recognize that the Chief of the Richland Hills 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 Richland Hills Police Department fulfills the training requirement as specified in the Education Code (96.641) of the Texas Racial Profiling Law.

Racial Profiling Course 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:



Report on Compliments and Racial Profiling Complaints



Report on Complaints

The following table contains data regarding officers that have been the subject of a complaint, during the time period of 1/1/24-12/31/24 based on allegations outlining possible violations related to the Texas Racial Profiling Law. The final disposition of the case is also included.

☐

A check above indicates that the Richland Hills Police Department has not received any complaints, on any members of its police services, for having violated the Texas Racial Profiling Law during the time period of 1/1/24-12/31/24.

Complaints Filed for Possible Violations of The Texas Racial Profiling Law

Complaint Number	Alleged Violation	Disposition of the Case
1	Racial Profiling	Not Sustained

Additional Comments:

Tables Illustrating Motor Vehicle-Related Contacts

TIER 2 DATA

TOTAL STOPS: 6,782

STREET ADDRESS OR APPROXIMATE LOCATION OF STOP.

City Street	6,454
US Highway	2
State Highway	309
County Road	13
Private Property	4

WAS RACE OR ETHNICITY KNOWN PRIOR TO STOP?

Yes	26
No	6,756

RACE OR ETHNICITY

Alaska Native/American Indian	28
Asian/Pacific Islander	145
Black	1,685
White	3,184
Hispanic/Latino	1,740

GENDER

Female Total: 2,395

Alaska Native/American Indian	7
Asian/Pacific Islander	50
Black	634
White	1,191
Hispanic/Latino	513

Male Total: 4,387

Alaska Native/American Indian	21
Asian/Pacific Islander	95
Black	1,051
White	1,993
Hispanic/Latino	1,227

REASON FOR STOP?

Violation of Law Total: 75

Alaska Native/American Indian	0
Asian/Pacific Islander	1
Black	18
White	38
Hispanic/Latino	18

Pre-existing Knowledge Total: 47

Alaska Native/American Indian	0
Asian/Pacific Islander	1
Black	18
White	18
Hispanic/Latino	10

Moving Traffic Violation Total: 2,635

Alaska Native/American Indian	16
Asian/Pacific Islander	82
Black	572
White	1,302
Hispanic/Latino	663

TIER 2 DATA

Vehicle Traffic Violation Total: 4,025

Alaska Native/American Indian	12
Asian/Pacific Islander	61
Black	1,077
White	1,826
Hispanic/Latino	1,049

Contraband (in plain view) Total: 4

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	0
White	3
Hispanic/Latino	1

WAS SEARCH CONDUCTED?

	YES	NO
Alaska Native/American Indian	0	28
Asian/Pacific Islander	5	140
Black	143	1,542
White	118	3,066
Hispanic/Latino	93	1,647
TOTAL	359	6,423

Probable Cause Total: 218

Alaska Native/American Indian	0
Asian/Pacific Islander	2
Black	105
White	54
Hispanic/Latino	57

Inventory Total: 34

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	10
White	18
Hispanic/Latino	6

REASON FOR SEARCH?

Consent Total: 21

Alaska Native/American Indian	0
Asian/Pacific Islander	1
Black	0
White	17
Hispanic/Latino	3

Incident to Arrest Total: 82

Alaska Native/American Indian	0
Asian/Pacific Islander	2
Black	28
White	26
Hispanic/Latino	26

TIER 2 DATA

WAS CONTRABAND DISCOVERED?

	YES	NO
Alaska Native/American Indian	0	0
Asian/Pacific Islander	2	3
Black	91	52
White	68	50
Hispanic/Latino	67	26
TOTAL	228	131

Did the finding result in arrest?

	YES	NO
Alaska Native/American Indian	0	0
Asian/Pacific Islander	0	2
Black	9	82
White	14	54
Hispanic/Latino	9	58
TOTAL	32	196

DESCRIPTION OF CONTRABAND

Drugs Total: 182

Alaska Native/American Indian	0
Asian/Pacific Islander	1
Black	80
White	58
Hispanic/Latino	43

Currency Total: 1

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	0
White	1
Hispanic/Latino	0

Weapons Total: 10

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	6
White	2
Hispanic/Latino	2

Alcohol Total: 44

Alaska Native/American Indian	0
Asian/Pacific Islander	1
Black	10
White	12
Hispanic/Latino	21

TIER 2 DATA

Stolen Property Total: 1

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	0
White	1
Hispanic/Latino	0

Other Total: 21

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	9
White	6
Hispanic/Latino	6

RESULT OF THE STOP

Verbal Warning Total: 308

Alaska Native/American Indian	1
Asian/Pacific Islander	12
Black	65
White	135
Hispanic/Latino	95

Written Warning Total: 2,975

Alaska Native/American Indian	15
Asian/Pacific Islander	77
Black	677
White	1,653
Hispanic/Latino	553

Citation Total: 3,314

Alaska Native/American Indian	12
Asian/Pacific Islander	54
Black	873
White	1,332
Hispanic/Latino	1,043

Written Warning and Arrest Total: 39

Alaska Native/American Indian	0
Asian/Pacific Islander	1
Black	13
White	18
Hispanic/Latino	7

Citation and Arrest Total: 126

Alaska Native/American Indian	0
Asian/Pacific Islander	1
Black	48
White	41
Hispanic/Latino	36

Arrest Total: 20

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	9
White	5
Hispanic/Latino	6

TIER 2 DATA

ARREST BASED ON

Violation of Penal Code Total: 68

Alaska Native/American Indian	0
Asian/Pacific Islander	2
Black	19
White	23
Hispanic/Latino	24

Violation of Traffic Law Total: 4

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	1
White	0
Hispanic/Latino	3

Violation of City Ordinance Total: 0

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	0
White	0
Hispanic/Latino	0

Outstanding Warrant Total: 113

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	50
White	41
Hispanic/Latino	22

Was physical force used resulting in bodily injury during the stop?

	YES	NO
Alaska Native/American Indian	0	28
Asian/Pacific Islander	0	145
Black	0	1,685
White	0	3,184
Hispanic/Latino	1	1,739
TOTAL	1	6,781

Tables Illustrating Motor Vehicle Related Contact Data

Table 1. Citations and Warnings

Race/ Ethnicity	All Contacts	Citations	Verbal Warning	Written Warning	Contact Percent	Citation Percent	Verbal Percent	Written Percent
Alaska Native/ American Indian	28	12	1	15	0%	0%	0%	1%
Asian/ Pacific Islander	145	55	12	77	2%	2%	4%	3%
Black	1,685	921	65	677	25%	27%	21%	23%
White	3,184	1,373	135	1,653	47%	40%	44%	56%
Hispanic/ Latino	1,740	1,079	95	553	26%	31%	31%	19%
TOTAL	6,782	3,440	308	2,975	100%	100%	100%	100%



Table 2. Motor Vehicle Contacts and Fair Roads Standard Comparison

Comparison of motor vehicle-related contacts with households that have vehicle access.

Race/Ethnicity	Contact Percentage	Households with Vehicle Access
Alaska Native/American Indian	0%	0%
Asian/Pacific Islander	2%	5%
Black	25%	14%
White	47%	60%
Hispanic/Latino	26%	19%
TOTAL	100%	98%

Table 3. Motor Vehicle Searches and Arrests.

Race/Ethnicity	Searches	Consent Searches	Arrests
Alaska Native/American Indian	0	0	0
Asian/Pacific Islander	5	1	2
Black	143	0	70
White	118	17	64
Hispanic/Latino	93	3	49
TOTAL	359	21	185

Table 4. Instances Where Peace Officers Used Physical Force Resulting in Bodily Injury

Instances Where Peace Officers Used Physical Force that Resulted in Bodily Injury	Arrest	Location of Stop	Reason for Stop
1	2/28/2024	6600 Bridges Ave.	Fail to signal lane change and turn

Table 5. Search Data

Race/ Ethnicity	Searches	Contraband Found Yes	Contraband Found No	Arrests	Percent Searches	Percent Contraband Found	Percent No Contraband	Percent Arrest
Alaska Native/ American Indian	0	0	0	0	0%	0%	0%	0%
Asian/ Pacific Islander	5	2	3	2	1%	1%	2%	1%
Black	143	91	52	70	40%	40%	40%	38%
White	118	68	50	64	33%	30%	38%	35%
Hispanic/ Latino	93	67	26	49	26%	29%	20%	26%
TOTAL	359	228	131	185	100%	100%	100%	100%

Table 6. Report on Audits.

The following table contains data regarding the number and outcome of required data audits during the period of 1/1/24-12/31/24.

Audit Data	Number of Data Audits Completed	Date of Completion	Outcome of Audit
1	1	03/01/24	Data was valid and reliable
2	1	06/01/24	Data was valid and reliable
3	1	09/01/24	Data was valid and reliable
4	1	12/01/24	Data was valid and reliable

ADDITIONAL COMMENTS:

Table 7. Instance Where Force Resulted in Bodily Injury.

Race/Ethnicity	Number	Percent
Alaska Native/American Indian	0	0%
Asian/Pacific Islander	0	0%
Black	0	0%
White	0	0%
Hispanic/Latino	1	100%
TOTAL	1	100%

Table 8. Reason for Arrests from Vehicle Contact

Race/ Ethnicity	Violation of Penal Code	Violation of Traffic Law	Violation of City Ordinance	Outstanding Warrant	Percent Penal Code	Percent Traffic Law	Percent City Ordinance	Percent Warrant
Alaska Native/ American Indian	0	0	0	0	0%	0%	0%	0%
Asian/ Pacific Islander	2	0	0	0	3%	0%	0%	0%
Black	19	1	0	50	28%	25%	0%	44%
White	23	0	0	41	34%	0%	0%	36%
Hispanic/ Latino	24	3	0	22	35%	75%	0%	19%
TOTAL	68	4	0	113	100%	100%	0%	100%

Table 9. Contraband Hit Rate

Race/ Ethnicity	Searches	Contraband Found Yes	Contraband Hit Rate	Search Percent	Contraband Percent
Alaska Native/ American Indian	0	0	0%	0%	0%
Asian/ Pacific Islander	5	2	40%	1%	1%
Black	143	91	64%	40%	40%
White	118	68	58%	33%	30%
Hispanic/Latino	93	67	72%	26%	29%

Analysis and Interpretation of Data

As previously noted, in 2001, the Texas Legislature passed Senate Bill 1074, which eventually became the Texas Racial Profiling Law. This particular law came into effect on January 1, 2002, and required all police departments in Texas to collect traffic-related data and report this information to their local governing authority by March 1 of each year. This version of the law remained in place until 2009, when it was modified to include the collection and reporting of all motor vehicle-related contacts in which a citation was issued, or an arrest was made. Further, the modification to the law further requires that all police officers indicate whether or not they knew the race or ethnicity of the individuals before detaining them. In addition, it became a requirement that agencies report motor vehicle-related data to their local governing authority and to the Texas Commission on Law Enforcement (TCOLE) by March 1 of each year. The purpose in collecting and disclosing this information is to determine if police officers in any particular municipality are engaging in the practice of racially profiling minority motorists.

One of the main requirements of the law is that police departments interpret motor vehicle-related data. Even though most researchers would likely agree that it is within the confines of good practice for police departments to be accountable to the citizenry while carrying a transparent image before the community, it is in fact very difficult to determine if individual police officers are engaging in racial profiling from a review and analysis of aggregate/institutional data. In other words, it is challenging for a reputable researcher to identify specific "individual" racist behavior from aggregate-level "institutional" data on traffic or motor vehicle-related contacts.

As referenced earlier, in 2009 the Texas Legislature passed House Bill 3389, which modified the Racial Profiling Law by adding new requirements; this took effect on January 1, 2010. The changes included, but are not limited to, the re-definition of a contact to include motor vehicle-related contacts in which a citation was issued, or an arrest was made. In addition, it required police officers to indicate if they knew the race or ethnicity of the individual before detaining them. The 2009 law also required adding "Middle Eastern" to the racial and ethnic category and submitting the annual data report to TCOLE before March 1 of each year.

In 2017, the Texas Legislators passed HB 3051 which removed the Middle Eastern data requirement while standardizing the racial and ethnic categories relevant to the individuals that came in contact with police. In addition, the Sandra Bland Act (SB 1849) was passed and became law. Thus, the most significant legislative mandate (Sandra Bland Act) in Texas history regarding data requirements on law enforcement contacts became law and took effect on January 1, 2018. The Sandra Bland Act not only currently requires the extensive collection of data relevant to police motor vehicle contacts, but it also mandates for the data to be analyzed while addressing the following:

1. A comparative analysis of the information compiled (under Article 2.133):

- 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;*
- b. Examine the disposition of motor vehicle stops made by officers employed by the agency, categorized according to the race or ethnicity of the affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction;*
- c. Evaluate and compare the number of searches resulting from motor vehicle stops within the applicable jurisdiction and whether contraband or other evidence was discovered in the course of those searches.*

2. Information related to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

In an effort to comply with The Texas Racial Profiling/Sandra Bland Law, the Richland Hills Police Department commissioned the analysis of its 2024 contact data. Hence, two different types of data analyses were performed. The first of these involved a careful evaluation of the 2024 motor vehicle-related data. This particular analysis measured, as required by law, the number and percentage of Whites, Blacks, Hispanics or Latinos, Asians and Pacific Islanders, Alaska Natives and American Indians, who came in contact with police in the course of a motor vehicle-related contact and were either issued a ticket, citation, or warning or an arrest was made. Also included in this data were instances when a motor vehicle contact took place for an alleged violation of the law or ordinance. The Tier 2 data analysis included, but was not limited to, information relevant to the number and percentage of contacts by race/ethnicity, gender, reason for the stop, location of stop, searches while indicating the type of search performed, result of stop, basis of an arrest, and use of physical force resulting in bodily injury.

The analysis on the data performed in this report, was based on a comparison of the 2024 motor vehicle contact data with a specific baseline. When reading this particular analysis, one should consider that there is disagreement in the literature regarding the appropriate baseline to be used when analyzing motor vehicle-related contact information. Of the baseline measures available, the Richland Hills Police Department agreed with our recommendation to rely in part, as a baseline measure, on the Fair Roads Standard. This particular baseline is established on data obtained through the U.S. Census Bureau (2020) relevant to the number of households that have access to vehicles while controlling for the race and ethnicity of the heads of households.

It should be noted that the census data presents challenges to any effort made at establishing a fair and accurate racial profiling analysis. That is, census data contains information on all residents of a particular community, regardless whether they are among the driving population. Further, census data, when used as a baseline of comparison, presents the challenge that it captures information related to city residents only, thus excluding individuals who may have come in contact with the Richland Hills Police Department in 2024 but live outside city limits. In some jurisdictions the percentage of the population that comes in contact with the police but lives outside city limits represents a substantial volume of all motor vehicle-related contacts made in a given year.

In 2002, major civil rights groups in Texas expressed their concern and made recommendations to the effect that all police departments should rely, in their data analysis, on the Fair Roads Standard. This source contains census data specific to the number of “households” that have access to vehicles. Thus, proposing to compare “households” (which may have multiple residents and only a few vehicles) with “contacts” (an individual-based count). In essence this constitutes a comparison that may result in ecological fallacy. Despite this risk, as noted earlier, the Richland Hills Police Department accepted the recommendation to utilize this form of comparison (i.e., census data relevant to households with vehicles) in an attempt to demonstrate its “good will” and “transparency” before the community. Thus, the Fair Roads Standard data obtained and used in this study is specifically relevant to the Dallas Fort-Worth (DFW) Metroplex.

Tier 2 (2024) Motor Vehicle-Related Contact Analysis

When examining the enhanced and more detailed Tier 2 data collected in 2024, it was evident that most motor vehicle-related contacts were made with Whites, followed by Hispanics. Of those who came in contact with police, most tickets or citations were issued to Whites and Hispanics; this was followed by Blacks. However, in terms of written warnings, most of these were issued to Whites, followed by Blacks.

While reviewing searches and arrests, the data showed that most searches took place among Blacks. When considering all searches, most were consented by Whites and Hispanics, while most custody arrests were of Blacks. Overall, most searches resulted in contraband; of those that produced contraband, most were of Blacks; this was followed by Whites. Of the searches that did not produce contraband, most were of Blacks. Most arrests were made of Blacks. Most of the arrests that originated from a violation of the penal code involved Hispanics. Overall, the police department reports one instance where force was used that resulted in bodily injury.

Comparative Analysis

A comprehensive analysis of the motor vehicle contacts made in 2024 to the census data relevant to the number of “households” in DFW who indicated in the 2020 census that they had access to vehicles, produced interesting findings. Specifically, the percentage of Whites, Asians, and American Indians who came in contact with police was the same or lower than the percentage of White, Asian, and American Indian households in DFW that claimed in the last census to have access to vehicles. The opposite was true of Blacks and Hispanics. That is, a higher percentage of Blacks and Hispanics came in contact with police than the percentage of Black and Hispanic households in DFW that claimed in the last census to have access to vehicles.

The comprehensive analysis of the searches resulting in contraband shows that the most significant contraband hit rate is of Hispanics. This was followed by Blacks and Whites. This means that among all searches performed in 2024, the most significant percentage of these that resulted in contraband was among Hispanics. The lowest contraband hit rate was among Asians.

Summary of Findings

As previously noted, the most recent Texas Racial Profiling Law requires that police departments perform data audits in order to validate the data being reported. Consistent with this requirement, the Richland Hills Police Department has engaged del Carmen Consulting, LLC in order to perform these audits in a manner consistent with normative statistical practices. As shown in Table 6, the audit performed reveals that the data is valid and reliable. Further, as required by law, this report also includes an analysis on the searches performed. This analysis includes information on whether contraband was found as a result of the search while controlling for race/ethnicity. The search analysis demonstrates that the police department is engaging in search practices consistent with national trends in law enforcement.

While considering the findings produced as a result of this analysis, it is recommended that the Richland Hills Police Department should continue to collect and evaluate additional information on motor vehicle contact data (i.e., reason for probable cause searches, contraband detected), which may prove to be useful when determining the nature of the contacts police officers are making with all individuals.

As part of this effort, the Richland Hills Police Department should continue to:

- 1) Perform an independent analysis on contact and search data in the upcoming year.
- 2) Commission data audits in 2025 in order to assess data integrity; that is, to ensure that the data collected is consistent with the data being reported.

The comprehensive data analysis performed serves as evidence that the Richland Hills Police Department has complied with the Texas Racial Profiling Law and all of its requirements. Further, the report demonstrates that the police department has incorporated a comprehensive racial profiling policy, currently offers information to the public on how to file a compliment or complaint, commissions quarterly data audits in order to ensure validity and reliability, collects and commissions the analysis of Tier 2 data, and ensures that the practice of racial profiling will not be accepted or tolerated.

Checklist

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

- ✓ Implement a Racial Profiling Policy citing act or actions that constitute racial profiling.
- ✓ Include in the racial profiling policy, a statement indicating prohibition of any peace officer employed by the Richland Hills 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 compliment and complaint process.
- ✓ Implement disciplinary guidelines for officers found in violation of the Texas Racial Profiling Law.
- ✓ Collect, report and analyze motor vehicle data (Tier 2).
- ✓ Commission Data Audits and a Search Analysis.
- ✓ 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 2) and present this to the local governing body and TCOLE by March 1, 2025.
- ✓ Adopt a policy, if video/audio equipment is installed, on standards for reviewing video and audio documentation.

Legislative & Administrative



TCOLE GUIDELINES

Guidelines for Compiling and Reporting Data under Senate Bill 1074

Background

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

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

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

Standard 1

Each law enforcement agency has a detailed written directive that:

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

Commentary

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

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

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

Standard 2

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

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

Commentary

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

Standard 3

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

Commentary

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

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

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

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

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

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

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

Tier one reports are made to the governing body of each county or municipality served by the agency an annual report of information if the agency is an agency of a county, municipality, or other political subdivision of the state. Tier one and two reports are reported to the county or municipality not later than March 1 for the previous calendar year beginning March 1, 2003. Tier two reports include a comparative analysis between the race and ethnicity of persons detained to see if a differential pattern of treatment can be discerned based on the disposition of stops

including searches resulting from the stops. The reports also include information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling. An agency may be exempt from the tier two reporting requirement by applying for the funds from the Department of Public Safety for video and audio equipment and the State does not supply those funds [See 2.135 (a)(2) TCCP].

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

Standard 4

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

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

Commentary

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

Standard 5

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

Commentary

None

Standard 6

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

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

Commentary

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

Standard 7

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

Commentary

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

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

The Texas Law on Racial Profiling

S.B. No. 1074 - 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

President of the Senate

Speaker of the House

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

Secretary of the Senate

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

Chief Clerk of the House

Approved:

Date

Governor

Modifications to the Original Law

(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.

Racial and Ethnic Designations (H.B. 3051)

H.B. No. 3051 - An Act relating to the categories used to record the race or ethnicity of persons stopped for or convicted of traffic offenses.

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

SECTION 1. Article 2.132(a)(3), Code of Criminal Procedure, is amended to read as follows:

(3) "Race or ethnicity" means the following categories:

(A) Alaska native or American Indian;

(B) [of a particular descent, including Caucasian, African, Hispanic,] Asian or Pacific Islander;

(C) black;

(D) white; and

(E) Hispanic or Latino [~~Native American, or Middle Eastern descent~~].

SECTION 2. Section 543.202(a), Transportation Code, is amended to read as follows:

(a) In this section, "race or ethnicity" means the following categories:

(1) Alaska native or American Indian;

(2) [of a particular descent, including Caucasian, African, Hispanic,] Asian or Pacific Islander;

(3) black;

(4) white; and

(5) Hispanic or Latino [~~or Native American descent~~].

SECTION 3. This Act takes effect September 1, 2017.

President of the Senate

Speaker of the House

I certify that H.B. No. 3051 was passed by the House on May 4, 2017, by the following vote: Yeas 143, Nays 2, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 3051 was passed by the Senate on May 19, 2017, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor

The Sandra Bland Act

(S.B. 1849)

S.B. No. 1849

An Act relating to interactions between law enforcement and individuals detained or arrested on suspicion of the commission of criminal offenses, to the confinement, conviction, or release of those individuals, and to grants supporting populations that are more likely to interact frequently with law enforcement.

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

ARTICLE 1. SHORT TITLE

SECTION 1.01. SHORT TITLE. This Act shall be known as the Sandra Bland Act, in memory of Sandra Bland.

ARTICLE 2. IDENTIFICATION AND DIVERSION OF AND SERVICES FOR PERSONS SUSPECTED OF HAVING A MENTAL ILLNESS, AN INTELLECTUAL DISABILITY, OR A SUBSTANCE ABUSE ISSUE

SECTION 2.01. Article 16.22, Code of Criminal Procedure, is amended to read as follows:

Art. 16.22. EARLY IDENTIFICATION OF DEFENDANT SUSPECTED OF HAVING MENTAL ILLNESS OR INTELLECTUAL DISABILITY [MENTAL RETARDATION]. (a)(1) Not later than 12 [72] hours after receiving credible information that may establish reasonable cause to believe that a defendant committed to the sheriff's custody has a mental illness or is a person with an intellectual disability [mental retardation], including observation of the defendant's behavior immediately before, during, and after the defendant's arrest and the results of any previous assessment of the defendant, the sheriff shall provide written or electronic notice of the information to the magistrate. On a determination that there is reasonable cause to believe that the defendant has a mental illness or is a person with an intellectual disability [mental retardation], the magistrate, except as provided by Subdivision

(2), shall order the local mental health or intellectual and developmental disability [mental retardation] authority or another qualified mental health or intellectual disability [mental retardation] expert to:

(A) collect information regarding whether the defendant has a mental illness as defined by Section 571.003,

Health and Safety Code, or is a person with an intellectual disability [mental retardation] as defined by Section 591.003, Health and Safety Code, including information obtained from any previous assessment of the defendant; and

(B) provide to the magistrate a written assessment of the information collected under Paragraph (A).

(2) The magistrate is not required to order the collection of information under Subdivision

(1) if the defendant in the year preceding the defendant's applicable date of arrest has been determined to have a mental illness or to be a person with an intellectual disability [mental retardation] by the local mental health or intellectual and developmental disability [mental retardation] authority or another mental health or intellectual disability [mental retardation] expert described by Subdivision

(1). A court that elects to use the results of that previous determination may proceed under Subsection (c).

(3) If the defendant fails or refuses to submit to the collection of information regarding the defendant as required under Subdivision (1), the magistrate may order the defendant to submit to an examination in a mental health facility determined to be appropriate by the local mental health or intellectual and developmental disability [mental retardation] authority for a reasonable period not to exceed 21 days. The magistrate may order a defendant to a facility operated by the Department of State Health Services or the Health and Human Services Commission [Department of Aging and Disability Services] for examination only on request of the local mental health or intellectual and developmental disability [mental retardation] authority and with the consent of the head of the facility. If a defendant who has been ordered to a facility operated by the Department of State Health Services or the Health and Human Services Commission [Department of Aging and Disability Services] for examination remains in the facility for a period exceeding 21 days, the head of that facility shall cause the defendant to be immediately transported to the committing court and placed in the custody of the sheriff of the county in which the committing court is located. That county shall reimburse the facility for the mileage and per diem expenses of the personnel required to transport the defendant calculated in accordance with the state travel regulations in effect at the time.

(b) A written assessment of the information collected under Subsection (a)(1)(A) shall be provided to the magistrate not later than the 30th day after the date of any order issued under Subsection (a) in a felony case and not later than the 10th day after the date of any order issued under that subsection in a misdemeanor case, and the magistrate shall provide copies of the written assessment to the defense counsel, the prosecuting attorney, and the trial court. The written assessment must include a description of the procedures used in the collection of information under Subsection (a)(1)(A) and the applicable expert's observations and findings pertaining to:

(1) whether the defendant is a person who has a mental illness or is a person with an intellectual disability [mental retardation];

(2) whether there is clinical evidence to support a belief that the defendant may be incompetent to stand trial and should undergo a complete competency examination under Subchapter B, Chapter 46B; and

(3) recommended treatment.

(c) After the trial court receives the applicable expert's written assessment relating to the defendant under Subsection (b) or elects to use the results of a previous determination as described by Subsection (a)(2), the trial court may, as applicable:

(1) resume criminal proceedings against the defendant, including any appropriate proceedings related to the defendant's release on personal bond under Article 17.032;

(2) resume or initiate competency proceedings, if required, as provided by Chapter 46B

or other proceedings affecting the defendant's receipt of appropriate court-ordered mental health or intellectual disability [mental retardation] services, including proceedings related to the defendant's receipt of outpatient mental health services under Section 574.034, Health and Safety Code; or

(3) consider the written assessment during the punishment phase after a conviction of the offense for which the defendant was arrested, as part of a presentence investigation report, or in connection with the impositions of conditions following placement on community supervision, including deferred adjudication community supervision.

(d) This article does not prevent the applicable court from, before, during, or after the collection of information regarding the defendant as described by this article: (1) releasing a defendant who has a mental illness [mentally ill] or is a person with an intellectual disability [mentally retarded defendant] from custody on personal or surety bond; or

(2) ordering an examination regarding the defendant's competency to stand trial.

SECTION 2.02. Chapter 16, Code of Criminal Procedure, is amended by adding Article 16.23 to read as follows:

Art. 16.23. DIVERSION OF PERSONS SUFFERING MENTAL HEALTH CRISIS OR SUBSTANCE ABUSE ISSUE. (a) Each law enforcement agency shall make a good faith effort to divert a person suffering a mental health crisis or suffering from the effects of substance abuse to a proper treatment center in the agency's jurisdiction if:

(1) there is an available and appropriate treatment center in the agency's jurisdiction to which the agency may divert the person;

(2) it is reasonable to divert the person;

(3) the offense that the person is accused of is a misdemeanor, other than a misdemeanor involving violence; and

(4) the mental health crisis or substance abuse issue is suspected to be the reason the person committed the alleged offense.

(b) Subsection (a) does not apply to a person who is accused of an offense under Section 49.04, 49.045, 49.05, 49.06, 49.065, 49.07, or 49.08, Penal Code.

SECTION 2.03. Section 539.002, Government Code, is amended to read as follows:

Sec. 539.002. GRANTS FOR ESTABLISHMENT AND EXPANSION OF COMMUNITY COLLABORATIVES. (a) To the extent funds are appropriated to the department for that purpose, the department shall make grants to entities, including local governmental entities, nonprofit community organizations, and faith-based community organizations, to establish or expand community collaboratives that bring the public and private sectors together to provide services to persons experiencing homelessness, substance abuse issues, or [and] mental illness. [The department may make a maximum of five grants, which must be made in the most populous municipalities in this state that are located in counties with a population of more than one million.] In awarding grants, the department shall give special consideration to entities:

(1) establishing [a] new collaboratives; or

(2) establishing or expanding collaboratives that serve two or more counties, each with a population of less than 100,000 [collaborative].

(b) The department shall require each entity awarded a grant under this section to:

(1) leverage additional funding from private sources in an amount that is at least equal to the amount of the grant awarded under this section; [and]

(2) provide evidence of significant coordination and collaboration between the entity, local mental health authorities, municipalities, local law enforcement agencies, and other community stakeholders in establishing or expanding a community collaborative funded by a grant awarded under this section; and

(3) provide evidence of a local law enforcement policy to divert appropriate persons from jails or other detention facilities to an entity affiliated with a community collaborative for the purpose of providing services to those persons.

SECTION 2.04. Chapter 539, Government Code, is amended by adding Section 539.0051 to read as follows:

Sec. 539.0051. PLAN REQUIRED FOR CERTAIN COMMUNITY COLLABORATIVES. (a) The governing body of a county shall develop and make public a plan detailing:

(1) how local mental health authorities, municipalities, local law enforcement agencies, and other community stakeholders in the county could coordinate to establish or expand a community collaborative to accomplish the goals of Section 539.002;

(2) how entities in the county may leverage funding from private sources to accomplish the goals of Section 539.002 through the formation or expansion of a community collaborative; and

(3) how the formation or expansion of a community collaborative could establish or support resources or services to help local law enforcement agencies to divert persons who have been arrested to appropriate mental health care or substance abuse treatment.

(b) The governing body of a county in which an entity that received a grant under Section 539.002 before September 1, 2017, is located is not required to develop a plan under Subsection (a).

(c) Two or more counties, each with a population of less than 100,000, may form a joint plan under Subsection (a).

ARTICLE 3. BAIL, PRETRIAL RELEASE, AND COUNTY JAIL STANDARDS

SECTION 3.01. The heading to Article 17.032, Code of Criminal Procedure, is amended to read as follows:

Art. 17.032. RELEASE ON PERSONAL BOND OF CERTAIN [MENTALLY ILL] DEFENDANTS WITH MENTAL ILLNESS OR INTELLECTUAL DISABILITY.

SECTION 3.02. Articles 17.032(b) and (c), Code of Criminal Procedure, are amended to read as follows:

(b) A magistrate shall release a defendant on personal bond unless good cause is shown

otherwise if the:

(1) defendant is not charged with and has not been previously convicted of a violent offense;

(2) defendant is examined by the local mental health or intellectual and developmental disability [mental retardation] authority or another mental health expert under Article 16.22 [of this code];

(3) applicable expert, in a written assessment submitted to the magistrate under Article 16.22:

(A) concludes that the defendant has a mental illness or is a person with an intellectual disability [mental retardation] and is nonetheless competent to stand trial; and

(B) recommends mental health treatment or intellectual disability treatment for the defendant, as applicable; and

(4) magistrate determines, in consultation with the local mental health or intellectual and developmental disability [mental retardation] authority, that appropriate community-based mental health or intellectual disability [mental retardation] services for the defendant are available through the [Texas] Department of State [Mental] Health Services [and Mental Retardation] under Section 534.053, Health and Safety Code, or through another mental health or intellectual disability [mental retardation] services provider.

(c) The magistrate, unless good cause is shown for not requiring treatment, shall require as a condition of release on personal bond under this article that the defendant submit to outpatient or inpatient mental health or intellectual disability [mental retardation] treatment as recommended by the local mental health or intellectual and developmental disability [mental retardation] authority if the defendant's:

(1) mental illness or intellectual disability [mental retardation] is chronic in nature; or

(2) ability to function independently will continue to deteriorate if the defendant is not treated.

SECTION 3.03. Article 25.03, Code of Criminal Procedure, is amended to read as follows:

Art. 25.03. IF ON BAIL IN FELONY. When the accused, in case of felony, is on bail at the time the indictment is presented, [it is not necessary to serve him with a copy, but] the clerk shall [on request] deliver a copy of the indictment [same] to the accused or the accused's [his] counsel[,] at the earliest possible time.

SECTION 3.04. Article 25.04, Code of Criminal Procedure, is amended to read as follows:

Art. 25.04. IN MISDEMEANOR. In misdemeanors, the clerk shall deliver a copy of the indictment or information to the accused or the accused's counsel at the earliest possible time before trial [it shall not be necessary before trial to furnish the accused with a copy of the indictment or information; but he or his counsel may demand a copy, which shall be given as early as possible

SECTION 3.05. Section 511.009(a), Government Code, as amended by Chapters 281 (H.B. 875), 648 (H.B. 549), and 688 (H.B. 634), Acts of the 84th Legislature, Regular Session, 2015, is reenacted and amended to read as follows:

- (a) The commission shall:
 - (1) adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails;
 - (2) adopt reasonable rules and procedures establishing minimum standards for the custody, care, and treatment of prisoners;
 - (3) adopt reasonable rules establishing minimum standards for the number of jail supervisory personnel and for programs and services to meet the needs of prisoners;
 - (4) adopt reasonable rules and procedures establishing minimum requirements for programs of rehabilitation, education, and recreation in county jails;
 - (5) revise, amend, or change rules and procedures if necessary;
 - (6) provide to local government officials consultation on and technical assistance for county jails;
 - (7) review and comment on plans for the construction and major modification or renovation of county jails;
 - (8) require that the sheriff and commissioners of each county submit to the commission, on a form prescribed by the commission, an annual report on the conditions in each county jail within their jurisdiction, including all information necessary to determine compliance with state law, commission orders, and the rules adopted under this chapter;
 - (9) review the reports submitted under Subdivision (8) and require commission employees to inspect county jails regularly to ensure compliance with state law, commission orders, and rules and procedures adopted under this chapter;
 - (10) adopt a classification system to assist sheriffs and judges in determining which defendants are low-risk and consequently suitable participants in a county jail work release program under Article 42.034, Code of Criminal Procedure;
 - (11) adopt rules relating to requirements for segregation of classes of inmates and to capacities for county jails;
 - (12) require that the chief jailer of each municipal lockup submit to the commission, on a form prescribed by the commission, an annual report of persons under 17 years of age securely detained in the lockup, including all information necessary to determine compliance with state law concerning secure confinement of children in municipal lockups;
 - (13) at least annually determine whether each county jail is in compliance with the rules and procedures adopted under this chapter;
 - (14) require that the sheriff and commissioners court of each county submit to the commission, on a form prescribed by the commission, an annual report of persons under 17 years of age securely detained in the county jail, including all information necessary to determine compliance with state law concerning secure confinement of children in county jails;
 - (15) schedule announced and unannounced inspections of jails under the commission's jurisdiction using the risk assessment plan established under Section 511.0085 to guide the inspections process;
 - (16) adopt a policy for gathering and distributing to jails under the commission's jurisdiction information regarding:
 - (A) common issues concerning jail administration;
 - (B) examples of successful strategies for maintaining compliance with state law and the rules,

standards, and procedures of the commission; and

(C) solutions to operational challenges for jails;

(17) report to the Texas Correctional Office on Offenders with Medical or Mental Impairments on a jail's compliance with Article 16.22, Code of Criminal Procedure;

(18) adopt reasonable rules and procedures establishing minimum requirements for jails to:

(A) determine if a prisoner is pregnant; and

(B) ensure that the jail's health services plan addresses medical and mental health care, including nutritional requirements, and any special housing or work assignment needs for persons who are confined in the jail and are known or determined to be pregnant;

(19) provide guidelines to sheriffs regarding contracts between a sheriff and another entity for the provision of food services to or the operation of a commissary in a jail under the commission's jurisdiction, including specific provisions regarding conflicts of interest and avoiding the appearance of impropriety; [and]

(20) adopt reasonable rules and procedures establishing minimum standards for prisoner visitation that provide each prisoner at a county jail with a minimum of two in-person, noncontact visitation periods per week of at least 20 minutes duration each;

(21) [(20)] require the sheriff of each county to:

(A) investigate and verify the veteran status of each prisoner by using data made available from the Veterans Reentry Search Service (VRSS) operated by the United States Department of Veterans Affairs or a similar service; and

(B) use the data described by Paragraph (A) to assist prisoners who are veterans in applying for federal benefits or compensation for which the prisoners may be eligible under a program administered by the United States Department of Veterans Affairs;

(22) [(20)] adopt reasonable rules and procedures regarding visitation of a prisoner at a county jail by a guardian, as defined by Section 1002.012, Estates Code, that:

(A) allow visitation by a guardian to the same extent as the prisoner's next of kin, including placing the guardian on the prisoner's approved visitors list on the guardian's request and providing the guardian access to the prisoner during a facility's standard visitation hours if the prisoner is otherwise eligible to receive visitors; and

(B) require the guardian to provide the sheriff with letters of guardianship issued as provided by Section 1106.001, Estates Code, before being allowed to visit the prisoner; and

(23) adopt reasonable rules and procedures to ensure the safety of prisoners, including rules and procedures that require a county jail to:

(A) give prisoners the ability to access a mental health professional at the jail through a telemental health service 24 hours a day;

(B) give prisoners the ability to access a health professional at the jail or through a telehealth service 24 hours a day or, if a health professional is unavailable at the jail or through a telehealth service, provide for a prisoner to be transported to access a health professional; and

(C) if funding is available under Section 511.019, install automated electronic sensors or cameras to ensure accurate and timely in-person checks of cells or groups of cells confining at-risk individuals.

SECTION 3.06. Section 511.009, Government Code, is amended by adding Subsection (d) to read

as follows:

(d) The commission shall adopt reasonable rules and procedures establishing minimum standards regarding the continuity of prescription medications for the care and treatment of prisoners. The rules and procedures shall require that a qualified medical professional shall review as soon as possible any prescription medication a prisoner is taking when the prisoner is taken into custody.

SECTION 3.07. Chapter 511, Government Code, is amended by adding Sections 511.019, 511.020, and 511.021 to read as follows:

Sec. 511.019. PRISONER SAFETY FUND. (a) The prisoner safety fund is a dedicated account in the general revenue fund.

(b) The prisoner safety fund consists of:

- (1) appropriations of money to the fund by the legislature; and
- (2) gifts, grants, including grants from the federal government, and other donations received for the fund.

(c) Money in the fund may be appropriated only to the commission to pay for capital improvements that are required under Section 511.009(a)(23).

(d) The commission by rule may establish a grant program to provide grants to counties to fund capital improvements described by Subsection (c). The commission may only provide a grant to a county for capital improvements to a county jail with a capacity of not more than 96 prisoners.

Sec. 511.020. SERIOUS INCIDENTS REPORT. (a) On or before the fifth day of each month, the sheriff of each county shall report to the commission regarding the occurrence during the preceding month of any of the following incidents involving a prisoner in the county jail:

- (1) a suicide;
- (2) an attempted suicide;
- (3) a death;
- (4) a serious bodily injury, as that term is defined by Section 1.07, Penal Code;
- (5) an assault;
- (6) an escape;
- (7) a sexual assault; and
- (8) any use of force resulting in bodily injury, as that term is defined by Section 1.07, Penal Code.

(b) The commission shall prescribe a form for the report required by Subsection (a).

(c) The information required to be reported under Subsection (a)(8) may not include the name or other identifying information of a county jailer or jail employee.

(d) The information reported under Subsection (a) is public information subject to an open records request under Chapter 552.

Sec. 511.021. INDEPENDENT INVESTIGATION OF DEATH OCCURRING IN COUNTY JAIL. (a) On the death of a prisoner in a county jail, the commission shall appoint a law enforcement agency, other

than the local law enforcement agency that operates the county jail, to investigate the death as soon as possible.

(b) The commission shall adopt any rules necessary relating to the appointment of a law enforcement agency under Subsection

(a), including rules relating to cooperation between law enforcement agencies and to procedures for handling evidence.

SECTION 3.08. The changes in law made by this article to Article 17.032, Code of Criminal Procedure, apply only to a personal bond that is executed on or after the effective date of this Act. A personal bond executed before the effective date of executed, and the former law is continued in effect for that purpose.

SECTION 3.09. Not later than January 1, 2018, the Commission on Jail Standards shall:

(1) adopt the rules and procedures required by Section 511.009(d), Government Code, as added by this article, and the rules required by Section 511.021(b), Government Code, as added by this article; and

(2) prescribe the form required by Section 511.020(b), Government Code, as added by this article.

SECTION 3.10. Not later than September 1, 2018, the Commission on Jail Standards shall adopt the rules and procedures required by Section 511.009(a)(23), Government Code, as added by this article. On and after September 1, 2020, a county jail shall comply with any rule or procedure adopted by the Commission on Jail Standards under that subdivision.

SECTION 3.11. To the extent of any conflict, this Act prevails over another Act of the 85th Legislature, Regular Session, 2017, relating to non-substantive additions to and corrections in enacted codes.

ARTICLE 4. PEACE OFFICER AND COUNTY JAILER TRAINING

SECTION 4.01. Chapter 511, Government Code, is amended by adding Section 511.00905 to read as follows:

Sec. 511.00905. JAIL ADMINISTRATOR POSITION; EXAMINATION REQUIRED. (a) The Texas Commission on Law Enforcement shall develop and the commission shall approve an examination for a person assigned to the jail administrator position overseeing a county jail.

(b) The commission shall adopt rules requiring a person, other than a sheriff, assigned to the jail administrator position overseeing a county jail to pass the examination not later than the 180th day after the date the person is assigned to that position. The rules must provide that a person who fails the examination may be immediately removed from the position and may not be reinstated until the person passes the examination.

(c) The sheriff of a county shall perform the duties of the jail administrator position at any time there is not a person available who satisfies the examination requirements of this

section.

(d) A person other than a sheriff may not serve in the jail administrator position of a county jail unless the person satisfies the examination requirement of this section.

SECTION 4.02. Section 1701.253, Occupations Code, is amended by amending Subsection (j) and adding Subsection (n) to read as follows: commission shall require an officer to complete a 40-hour statewide education and training program on de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments. An officer shall complete the program 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. An officer may not satisfy the requirements of this subsection [section] or Section 1701.402(g) by taking an online course on de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments.

(n) As part of the minimum curriculum requirements, the commission shall require an officer to complete a statewide education and training program on de-escalation techniques to facilitate interaction with members of the public, including techniques for limiting the use of force resulting in bodily injury.

SECTION 4.03. Section 1701.310(a), Occupations Code, is amended to read as follows:

(a) Except as provided by Subsection (e), a person may not be appointed as a county jailer, except on a temporary basis, unless the person has satisfactorily completed a preparatory training program, as required by the commission, in the operation of a county jail at a school operated or licensed by the commission. The training program must consist of at least eight hours of mental health training approved by the commission and the Commission on Jail Standards.

SECTION 4.04. Section 1701.352(b), Occupations Code, is amended to read as follows:

(b) The commission shall require a state, county, special district, or municipal agency that appoints or employs peace officers to provide each peace officer with a training program at least once every 48 months that is approved by the commission and consists of:

- (1) topics selected by the agency; and
- (2) for an officer holding only a basic proficiency certificate, not more than 20 hours of education and training that contain curricula incorporating the learning objectives developed by the commission regarding:
 - (A) civil rights, racial sensitivity, and cultural diversity;
 - (B) de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments; [and]
 - (C) de-escalation techniques to facilitate interaction with members of the public, including techniques for limiting the use of force resulting in bodily injury; and
 - (D) unless determined by the agency head to be inconsistent with the officer's assigned duties:
 - (i) the recognition and documentation of cases that involve child abuse or neglect, family violence, and sexual assault; and
 - (ii) issues concerning sex offender characteristics.

SECTION 4.05. Section 1701.402, Occupations Code, is amended by adding Subsection (n) to read

as follows:

(n) As a requirement for an intermediate proficiency certificate or an advanced proficiency certificate, an officer must complete the education and training program regarding de-escalation techniques to facilitate interaction with members of the public established by the commission under Section 1701.253(n).

SECTION 4.06. Not later than March 1, 2018, the Texas Commission on Law Enforcement shall develop and the Commission on Jail Standards shall approve the examination required by Section 511.00905, Government Code, as added by this article.

SECTION 4.07. (a) Not later than March 1, 2018, the Texas Commission on Law Enforcement shall establish or modify training programs as necessary to comply with Section 1701.253, Occupations Code, as amended by this article.

(b) The minimum curriculum requirements under Section 1701.253(j), Occupations Code, as amended by this article, apply only to a peace officer who first begins to satisfy those requirements on or after April 1, 2018.

SECTION 4.08. (a) Section 1701.310, Occupations Code, as amended by this article, takes effect January 1, 2018.

(b) A person in the position of county jailer on September 1, 2017, must comply with Section 1701.310(a), Occupations Code, as amended by this article, not later than August 31, 2021.

ARTICLE 5. MOTOR VEHICLE STOPS, RACIAL PROFILING, AND ISSUANCE OF CITATIONS

SECTION 5.01. Article 2.132, Code of Criminal Procedure, is amended by amending Subsections (b) and (d) and adding Subsection (h) to read as follows:

(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 compliment and complaint process, including providing the telephone number, mailing address, and e-mail address to make a compliment or complaint with respect to each ticket, citation, or warning issued by a peace officer;
- (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 ticket, citation, or warning 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;
- (D) whether the peace officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code, during the stop;
- (E) the location of the stop; and
- (F) the reason for the stop; 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 Texas Commission on Law Enforcement; 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 stops and transmitter-activated equipment in each agency law enforcement motorcycle regularly used to make motor vehicle stops. The agency also shall examine the feasibility of equipping each peace officer who regularly detains or stops motor vehicles with a body worn camera, as that term is defined by Section 1701.651, Occupations Code. If a law enforcement agency installs video or audio equipment or equips peace officers with body worn cameras as provided by this subsection, the policy adopted by the agency under Subsection (b) must include standards for reviewing video and audio documentation.

(h) A law enforcement agency shall review the data collected under Subsection (b)(6) to identify any improvements the agency could make in its practices and policies regarding motor vehicle stops.

SECTION 5.02. Article 2.133, Code of Criminal Procedure, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

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

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

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

(2) the initial reason for the stop;

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

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

and a description of the contraband or evidence;

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

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

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

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

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

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

(8) whether the officer issued a verbal or written warning or a ticket or citation as a result of the stop; and

(9) whether the officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code, during the stop.

(c) The chief administrator of a law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, is responsible for auditing reports under Subsection (b)

to ensure that the race or ethnicity of the person operating the motor vehicle is being reported.

SECTION 5.03. Article 2.134(c), Code of Criminal Procedure, is amended to read as follows:

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

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

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

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

(C) evaluate and compare the number of searches resulting from motor vehicle stops within the applicable jurisdiction and whether contraband or other evidence was discovered in the course of those searches; 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.

SECTION 5.04. Article 2.137, Code of Criminal Procedure, is amended to read as follows:

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 in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras [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 in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras [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 in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras [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 in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras [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 taken the necessary actions to use and is using [installed] video and audio equipment and body worn cameras for those purposes [as described by Article 2.135(a)(1)(A) and is using the equipment as required by Article 2.135(a)(1)].

SECTION 5.05. Article 2.1385(a), Code of Criminal Procedure, is amended to read as follows:

(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 an [the] amount not to exceed \$5,000 [of \$1,000] for each violation. The attorney general may sue to collect a civil penalty under this subsection.

SECTION 5.06. Article 2.135, Code of Criminal Procedure, is repealed.

SECTION 5.07. Articles 2.132 and 2.134, Code of Criminal Procedure, as amended by this article, apply only to a report covering a calendar year beginning on or after January 1, 2018.

SECTION 5.08. Not later than September 1, 2018, the Texas Commission on Law Enforcement shall:

(1) evaluate and change the guidelines for compiling and reporting information required under Article 2.134, Code of Criminal Procedure, as amended by this article, to enable the guidelines to better withstand academic scrutiny; and

(2) make accessible online:

(A) a downloadable format of any information submitted under Article 2.134(b), Code of Criminal

Procedure, that is not exempt from public disclosure under Chapter 552, Government Code; and
(B) a glossary of terms relating to the information to make the information readily understandable to the public. This Act takes effect September 1, 2017.

Senate Speaker of the House

I hereby certify that S.B. No. 1849 passed the Senate on May 11, 2017, by the following vote:
Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1849 passed the House on May 20, 2017, by the following vote:
Yeas 137, Nays 0, one present not voting.

ARTICLE 6. EFFECTIVE DATE

SECTION 6.01. Except as otherwise provided by this Act,

Approved:

Date

Governor

Chief Clerk of the House

RICHLAND HILLS POLICE DEPARTMENT RACIAL PROFILING POLICY

	Subject: Racial Profiling and Bias-Based Policing		Number: 200.2
	Category: Professional Standards and Conduct		
	Effective Date: April 17, 2024	Supersedes: GO 200.2 (05/2023)	Review Date: April 2025
	Issuing Authority: Kimberly L. Sylvester, Chief of Police		
	Signature of Issuing Authority: 		
References: TBP 2.01			

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.

I. POLICY

We are committed to upholding constitutional rights in the performance of our duties. Our success is based on the respect we give to our communities, and the respect members of the community observe toward Law Enforcement. To this end, we shall exercise our sworn duties, responsibilities, and obligations in a manner that does not discriminate on the basis of race, sex, gender, sexual orientation, national origin, ethnicity, age, or religion. Understanding and appreciation for diversity and equitable enforcement of the law are essential to our mission.

All enforcement actions shall be based on the standards of reasonable suspicion or probable cause as required by the Fourth Amendment to the U. S. Constitution and by statutory authority. In all enforcement decisions, Officers shall be able to articulate specific facts, circumstances, and conclusions that support probable cause or reasonable suspicion for arrests, searches, seizures, and stops of individuals. Officers shall not stop, detain, arrest, search, or attempt to search anyone based solely upon the person's race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group.

All Departmental orders are informed and guided by this directive. Nothing in this order limits non-enforcement consensual contacts between Officers and the public.

II. PURPOSE

The purpose of this General Order is to inform Officers that bias-based policing is prohibited by the Department. Additionally, this order will assist Officers in identifying key contexts in which bias may influence these actions and emphasize the importance of the constitutional guidelines within which we operate.

III. DEFINITIONS

Most of the following terms appear in this policy statement. In any case, these terms appear in the larger public discourse about alleged biased enforcement behavior and in other orders. These definitions are intended to facilitate on-going discussion and analysis of our enforcement practices.

- A. Bias - Prejudice or partiality based on preconceived ideas, a person's upbringing, culture, experience, or education.
- B. Biased-Based Policing - Stopping, detaining, searching, or attempting to search, or using force against a person based upon his or her race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group.
- C. Ethnicity - A cluster of characteristics that may include race but also cultural characteristics or traits that are shared by a group with a common experience or history.
- D. Gender - Unlike sex, a psychological classification based on cultural characteristics and/or traits.
- E. Probable Cause - Specific facts and circumstances within an Officer's knowledge that would lead a reasonable Officer to believe that a specific offense has been or is being committed, and that the suspect has committed it. Probable cause will be determined by the courts reviewing the totality of the circumstances surrounding the arrest or search from an objective point of view.
- F. Race - A category of people of a particular decent, including Caucasian, Black, Hispanic, Asian, or Native American descent. As distinct from ethnicity, race refers only to physical characteristics sufficiently distinctive to group people under a classification.
- G. 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.
- H. Reasonable Suspicion - Specific facts and circumstances that would lead a reasonable Officer to believe criminal activity is afoot and the person to be detained is somehow involved. Reasonable suspicion will be determined by the courts reviewing the totality of the circumstances surrounding the detention from an objective point of view.

RICHLAND HILLS POLICE DEPARTMENT

Page 3 of 8

- I. Sex - A biological classification, male or female, based on physical / genetic characteristics.
- J. Stop - An investigative detention of a person for a brief period of time, based on reasonable suspicion.

IV. PROCEDURES

A. General responsibilities

1. Officers are prohibited from engaging in racial profiling and/or bias-based profiling or stopping, detaining, searching, arresting, or taking any enforcement action including seizure or forfeiture activities, against any person based solely on the person's race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group. These characteristics, however, may form part of reasonable suspicion or probable cause when Officers are seeking a suspect with one or more of these attributes. [TBP 2.01]
2. Investigative detentions, traffic stops, arrests, searches, and property seizures by Officers will be based on a standard of reasonable suspicion or probable cause in accordance with the Fourth Amendment of the U.S. Constitution. Officers must articulate specific facts and circumstances to support reasonable suspicion or probable cause for investigative detentions, traffic stops, subject stops, arrests, nonconsensual searches, and property seizures. Except as provided in paragraph 3, Officers shall not consider race/ethnicity in establishing reasonable suspicion or probable cause. Similarly, except as provided below, Officers shall not consider race/ethnicity in deciding to initiate nonconsensual encounters that do not amount to legal detentions or to request consent to search.
3. Officers may take into account the reported race or ethnicity of a specific suspect or suspects based on trustworthy, locally relevant information that links a person or persons of a specific race/ethnicity to a particular unlawful incident(s). Race/ethnicity can never be used as the sole basis for probable cause or reasonable suspicion. Except as provided above, reasonable suspicion or probable cause shall form the basis for any enforcement actions or decisions. Individuals shall be subjected to stops, seizures, or detentions only upon reasonable suspicion that they have committed, are committing, or are about to commit an offense. Officers shall document the elements of reasonable suspicion and probable cause in appropriate reports.
4. Officers shall observe all Constitutional safeguards and shall respect the constitutional rights of all persons.
 - a. As traffic stops furnish a primary source of bias-related complaints, Officers shall have a firm understanding of the warrantless searches allowed by law, and particularly the use of consent. How the Officer disengages from a traffic stop may be crucial to a person's perception of fairness or discrimination.

RICHLAND HILLS POLICE DEPARTMENT

Page 4 of 8

- b. Officers shall not use the refusal or lack of cooperation to justify a search of the person or vehicle or prolonged detention once reasonable suspicion has been dispelled.
 5. All personnel shall treat everyone with the same courtesy and respect that they would have others observe to Department personnel. To this end, personnel are reminded that the exercise of courtesy and respect engenders a future willingness to cooperate with Law Enforcement.
 - a. Personnel shall facilitate an individual's access to other governmental services whenever possible and shall actively provide referrals to other appropriate agencies.
 - b. All personnel shall courteously accept, document, and forward to the Chief of Police any complaints made by an individual against the Department. Further, Officers shall provide information on the complaint process when requested or when it is reasonable to assume such information is desired.
 6. When feasible, personnel shall offer explanations of the reasons for enforcement actions or other decisions that bear on the individual's well-being unless the explanation would undermine an investigation or jeopardize an Officer's safety.
 7. When concluding an encounter, personnel shall thank him or her for cooperating.
 8. When feasible, all personnel shall identify themselves by first and last name. When a person requests the information, personnel shall give their Departmental identification number, name of their immediate supervisor, or any other reasonable information.
 9. All personnel are accountable for and shall justify their actions when required.
- B. Supervisory responsibilities
1. Supervisors shall be held accountable for the observance of constitutional safeguards during the performance of their duties and those of their subordinates. Supervisors shall identify and correct instances of bias in the work of their subordinates.
 2. Supervisors shall use the disciplinary mechanisms of the Department to ensure compliance with this order and the constitutional requirements of Law Enforcement.
 3. Supervisors shall be mindful that in accounting for the actions and performance of subordinates, supervisors are critical to maintaining community trust in Law Enforcement. Supervisors shall continually reinforce the ethic of impartial enforcement of the laws, and shall ensure that personnel, by their actions, maintain the community's trust in Law Enforcement.

RICHLAND HILLS POLICE DEPARTMENT

Page 5 of 8

4. Supervisors are reminded that biased enforcement of the law promotes not only mistrust of Law Enforcement, but increases safety risks to personnel as well as exposing the employee(s) and Department to liability.
5. Supervisors shall be held accountable for repeated instances of biased enforcement of their subordinates if the supervisor knew, or should have known, of the subordinate's actions.
6. Supervisors shall ensure that all enforcement actions are duly documented per Departmental policy. Supervisors shall ensure that all reports show adequate documentation of reasonable suspicion and probable cause, if applicable. Any enforcement action that begins as a consensual encounter will also have the circumstances of the initial encounter documented.
7. Supervisors shall facilitate the filing of any complaints about Law Enforcement service.
8. Supervisors shall randomly review at least three video files per officer (two body camera and one in-car camera video) every quarter. For purposes of this General Order, a "quarter" is defined as a 3-consecutive-month period of time, beginning with the months of January through March. Supervisors are not required to watch each incident of an entire shift; however, reviewing the footage in a manner intended to gain an understanding of that officer's performance and adherence to policy and law is required. Supervisors will document the random review of the video in a review log located in a secure network folder titled "Video Review Log" which contains spreadsheets labeled by Officer name (digital form RHPD-387). The spreadsheets contain worksheets separated by year and quarter. Supervisors should not review a Body Worn Camera and in-car video from the same incident for purposes of random review.
 - a. Any violations of policy or law will be addressed through the procedures outlined in General Order 200.3, Internal Investigations. Supervisors shall also review video as it relates to an investigation into a complaint received against an Officer under their command or as assigned by a member of the Command Staff. [TBP 2.01]
9. Section 8 above applies only to first-line uniformed Officers and their immediate supervisors. In the absence of a first-line supervisor this responsibility will move to the Operations Captain.

C. Disciplinary consequences

1. Actions prohibited by this order shall be cause for disciplinary action, up to and including termination. Employees believed to be in violation of any section of this General Order may be subject to investigation as outlined in General Order 200.3, Internal Investigations.

RICHLAND HILLS POLICE DEPARTMENT

D. Training [TBP 2.01]

1. Officers shall complete all training required by state law regarding bias-based profiling.

V. COMPLIMENTS AND COMPLAINTS

- A. The Department shall publish "How to File a Complaint" brochures in both English and Spanish and make them available in the public areas at the Police Department and City Hall. The Department's complaint process and its bias-based profiling policy will be posted on the Department's website. The information shall include, but is not limited to, the email, physical address, and telephone contact information for making a complaint against an employee. This information shall also be listed on Department-issued citations and written warnings. Officers shall inform citizens receiving a citation or written warning where this information is located on the document.
- B. Citizens who wish to file a complaint on a member of the Department shall be provided a Complaint Form (RHPD-305). The person filing the complaint may provide their own written account of the incident; however, the Officer accepting the complaint shall request the complainant to read and complete the Complaint Form (RHPD-305) and indicate in the narrative section to refer to the previously written statement attached to the packet.
- C. Complaints alleging incidents of bias-based profiling will be fully investigated as described under General Order 200.3, Internal Investigations.
- D. The person filing the complaint will be notified of the results of the investigations once the investigation is completed.
- E. Compliments are also handled in a process similar to complaints. Officers receiving compliments from citizens shall forward the compliments to the Chief of Police, utilizing their chain of command. Verbal compliments shall be recorded on a Personnel Incident Form (RHPD-280). Written compliments from citizens shall be accepted and forwarded to the Chief of Police through the chain of command, along with a Personnel Incident Form (RHPD-280) detailing the circumstances surrounding the compliment.

VI. RECORD KEEPING

- A. The Department will maintain all required records on traffic stops where a citation or warning is issued or where an arrest is made subsequent to a traffic stop. Information gathered during such encounters is outlined in Subsection C below.
- B. The information collected from traffic stops as outlined in Subsection C will be collected and reported by the Chief Administrator to the City Council and to the Texas Commission on Law Enforcement (TCOLE) by March 1st of each year as required by law. The reporting data must include:

RICHLAND HILLS POLICE DEPARTMENT

Page 7 of 8

1. A comparative analysis of the information compiled under Article 2.133 of the Texas Code of Criminal Procedure which:
 - a. Evaluates and compares the number of motor vehicle stops, within the applicable jurisdiction, of persons recognized as racial or ethnic minorities and persons who are not recognized as ethnic or racial minorities;
 - b. Examines the disposition of motor vehicle stops made by Officers employed by the agency, categorized according to race or ethnicity of the affected persons, as appropriate, including any searches resulting from stops made within the applicable jurisdiction; and
 - c. Evaluates and compares the number of searches resulting from motor vehicle stops within the applicable jurisdiction and whether contraband or other evidence was discovered in the course of those searches.
 2. Information related to each complaint filed with the agency alleging that a peace Officer employed by the agency has engaged in racial profiling.
 3. Further, as recommended by law, the Department shall maintain audio and video recording equipment in all vehicles utilized for motor vehicle stops. All personnel whose duties include contact with the public shall also be issued a body worn camera to record such interactions. Department supervisors are responsible for reviewing audio and video documentation gathered on vehicle and body worn recording equipment in accordance with Section IV, Subsection B.8 of this General Order.
 4. Failure to submit incident-based data as required by Article 2.134 of the Texas Code of Criminal Procedure shall result in a liability to the state for a civil penalty of an amount not to exceed \$5,000.00 per violation.
- C. The records gathered for purposes of the racial profiling review (referred to as Tier 2 data) shall include:
1. The individual's gender;
 2. The race or ethnicity of the detained individual as stated by the person or as determined by the Officer to the best of their ability;
 - a. Race/Ethnicity means White, Black, Hispanic or Latino, Asian or Pacific Islander, or Alaska Native or American Indian.
 3. Whether the peace Officer knew the race or ethnicity of the detained individual prior to detaining them;
 4. The initial reason for the stop;

RICHLAND HILLS POLICE DEPARTMENT

Page 8 of 8

5. Whether a search was conducted and if so, whether the detained individual consented to the search;
6. Whether contraband or other evidence was found as a result of a search;
7. A description of the evidence or contraband found during the search;
 - a. Evidence or contraband may include illegal drugs/paraphernalia, currency, weapons, alcohol, stolen property, or anything else related to a criminal offense or investigation.
8. The reason for the search;
 - a. Consent, Plain View, Probable Cause/Reasonable Suspicion, Inventory, or Incident to Arrest.
9. Information related to an arrest;
 - a. Whether the Officer made an arrest as a result of the stop or search.
 - b. If an arrest was made, the reason for the arrest.
 - (1) Violation of Penal Code, Violation of Traffic Law, Violation of City Ordinance, or Outstanding Warrant.
10. Whether the peace Officer used physical force during the stop that resulted in bodily injury, as defined by Texas Penal Code Section 1.07;
11. The location of the stop; and
 - a. City Street, US Highway, County Road, Private Property, or Other.
12. Whether a written warning or a citation was issued as a result of the stop.

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

Del Carmen Consulting©
817.681.7840
www.texasracialprofiling.com
www.delcarmenconsulting.com

Disclaimer: The author of this report, Alejandro del Carmen/del Carmen Consulting ©, is not liable for any omissions or errors committed in the acquisition, analysis, or creation of this report. Further, Dr. del Carmen/del Carmen Consulting © is not responsible for the inappropriate use and distribution of information contained in this report. Further, no liability shall be incurred as a result of any harm that may be caused to individuals and/or organizations as a result of the information contained in this report.



Copyright: This report may not be altered or reproduced outside the agreed terms, in any manner whatsoever without the written permission of the author.

Memorandum

To: Honorable Mayor Curtis Bergthold and Richland Hills City Council Members

From: Candice Edmondson, City Manager

Date: February 10, 2025

Subject: Vehicle Maintenance ILA with City of Watauga

Agenda Item:

Table consideration of an Interlocal Agreement between the City of Richland Hills and City of Watauga for fleet maintenance services

Background Information:

This item was presented for City Council consideration at the January 27, 2025 regular meeting. During that meeting, it was the recommendation of staff to table the item to February 10, 2025 to allow city staff to negotiate the Interlocal Agreement further.

Since that time, staff has continued to negotiate specific terms of the agreement and needs additional time to finalize the details prior to bringing the item back for City Council consideration and approval.

This agenda item is included solely for procedural purposes to be deferred for discussion at a later date.

Financial Considerations:

N/A

Legal Review:

The City Attorney has reviewed the Interlocal Agreement.

Board/Citizen Input:

N/A

Attachments:

N/A

Council Action Requested:

Motion to table consideration of an Interlocal Agreement between the City of Richland Hills and City of Watauga for fleet maintenance services.

Memorandum

To: Honorable Mayor Curtis Bergthold and Richland Hills City Council Members

From: JP Ducay, Director of Planning and Development Services

Date: February 10, 2025

Subject: 3917 Booth Calloway – Live/Work Unit SUP

Agenda Item:

Consider Ordinance 1521-25 a Specific Use Permit (2024-1084) to permit a “Live/Work Unit” for the property described as Hayworth Sol Survey, Abstract 710, Tract 2A04K, otherwise known as 3917 Booth Calloway, Richland Hills, Texas 76118 **PUBLIC HEARING**

Background Information:

On December 16, 2024, an application was submitted by Jing Yi Tsing (owner/applicant) requesting a SUP, Specific Use Permit, allowing for the use of “Live/Work Unit” in the MX, Mixed Use Zoning District for 3917 Booth Calloway Rd. The subject 0.8-acre property contains a 2,400 square-foot building operating as A Chinese Wellness Center and as the primary residence of the business owner.

In August 2024, the Development Services department received an anonymous complaint that the wellness center business was performing services without proper licensing. The City investigated this claim and determined that services were being provided without the proper or active licenses. Subsequently, the Certificate of Occupancy was pulled and cease and desist business operation tags were placed on the business. The owner was informed that the proper licenses and supplemental documentation would need to be submitted in order to update the Certificate of Occupancy and bring the business into compliance with state and city regulations.

During the investigation, staff was also made aware that a separate portion of the building was being utilized as the primary residence of the owner and her family. City records, including the Certificate of Occupancy, did not indicate a residential component to the subject building. Therefore, the residential portion shall also be brought into compliance with the current Mixed Use (MX) zoning standards and acknowledged on the Certificate of Occupancy. In attempt to bring the residential portion into compliance, the owner is requesting a SUP to allow for the use of “Live/Work Unit” at 3917 Booth Calloway.

According to the owner, the building was purchased in 1998 as a single-family home. The owner and her family moved into the home shortly after purchasing. In 1999, the owner submitted several permits to expand the structure, pour a parking lot, and install signage. These permits were an effort to construct the necessary commercial elements that would allow for the eventual operation of the wellness center business. The original single-family portion of the building was never converted and has remained the primary residence of the owner and her family since 1998.

City records indicate that these permits were submitted and approved in 1999; however, the permits do not indicate a dual commercial/residential use of the building. This SUP request is an attempt to allow for the continued residential use of the building.

According to the zoning ordinance, the use of “Live/Work Unit” is defined as a single unit (e.g., studio, loft, or one bedroom) consisting of both a commercial/office and a residential component that is occupied by the same resident. The live/work unit shall be the primary dwelling of the occupant.

Planning Analysis:

The City’s 2014 Comprehensive Plan designates the subject area as Mixed Use. This land use type is intended to support a compact mix of office, retail, cultural facilities, and medium-to-high density housing, providing the residents with a vibrant blend of opportunities to live, work, shop and play within a closely defined area. This land use category should incorporate a range of building structures and land uses, including multi-story residential above retail, townhomes and single-family residences.

Financial Considerations:

Approval of the Specific Use Permit will require no additional funding from the City.

Legal Review:

The City Attorney has reviewed the Ordinance.

Board/Citizen Input:

Planning and Zoning Commission consideration: January 28, 2025

- attendees spoke in support of this request and eleven letters of support were provided by attendees who did not wish to speak. The Planning and Zoning Commission did not have any questions or concerns and recommended approval unanimously.

City Council consideration: February 10, 2025

Attachments:

Application, Personal Narrative, and Images
Property Photos
Draft Ordinance 1521-25
Sections 6.08 Specific Use Permit (SUP)

Council Action Requested:

Motion to approve Ordinance 1521-25 a Specific Use Permit (2024-1084) to permit a "Live/Work Unit" for the property described as Hayworth Sol Survey, Abstract 710, Tract 2A04K, otherwise known as 3917 Booth Calloway, Richland Hills, Texas 76118.



Richland Hills Development Services

3200 Diana Drive | Richland Hills, TX, 76118

817-616-3800 | richlandhills.com

Zoning Application

Application Type

- | | |
|--|---|
| ☐ Specific Use Permit (Fee: \$300.00) | ☐ Planned Development (Fee: \$300.00) |
| ☐ Zoning Text Amendment (Fee: \$300.00) | ☐ Zoning Map Amendment (Fee: \$300.00) |

Applicant Information

Applicant's Name: _____

Business Name: _____

Phone: _____ Email Address: _____

Property Information

Property Address: _____

Square Feet: _____ Deed Date: _____

Building Owner: _____

Company: _____

Phone: _____

Owner Address: _____

Owner Phone Number: _____

Owner Email Address: _____

Previous Occupant: _____ Current Zoning: _____

Zoning Request

Please provide a detailed description of your request: _____

Signature

I certify that my answers are true and complete to the best of my knowledge, and I understand that false or misleading information in my application may result in zoning violations.

Signature: _____ Date: _____

Public Hearing Information	
Planning & Zoning Hearing Date: _____	City Council Hearing Date: _____
Permit Number: _____	Receipt Number: _____ Date: _____
Notes: _____	

Received by: _____	

3917 BOOTH CALLOWAY RD.
SPECIAL USE PERMIT APPLICATION

3917 Booth Calloway Rd, Richland Hills, TX. 76118 is located within a Richland Hills mixed use zone. The property is approximately 2389 square feet and has been operating as a commercial business on the front portion of the building and residential on the back portion for approximately 25 years. The property was originally purchased from a family that utilized it as a residential property. Mrs. Tsing acquired the property in 1998 and has lived there with her family since purchasing the property.

In approximately 1999, Mrs. Tsing obtained the necessary permits to add a commercial element to the existing structure short after so that she could practice Eastern Medicine as a licensed Acupuncturist (prior to her recent retirement) while living with her family in the property. She currently has Licensed Acupuncturists waiting to provide services to the community while going through this process. Additionally, Tarrant Appraisal District has recognized the property as two separate units and issuing a Homestead exemption as of 2012.

Currently, the residential portion is occupied by Mrs. Tsing, her husband, two grandchildren, and youngest son. Occasionally, Mrs. Tsing's oldest son and daughter visit and stay at their childhood home when they are in town. Separate from family, Mrs. Tsing has a handyman that will occasionally stay overnight when Mrs. Tsing and her family are out of town to look after her property and animals. No part of the property is a rental now nor will be in the future. This property has been the homestead of Mrs. Tsing and her family since 1998 and the location of her business since approximately 1999.

Commercial portion includes:

- 1) Two (3) Entrances
 - a. Main Entrance facing east opens from the parking lot
 - b. Side Entrance facing north for disabled patients
 - c. Back Entrance used by Mrs. Tsing and her family to enter from the residential portion.
- 2) Two (2) bathrooms
- 3) Two (2) Offices
- 4) Five (5) Exam Rooms
- 5) One (1) Reflexology Room
- 6) One (1) Storage Room
- 7) Main Entrance where the Lobby/Reception is located
- 8) One (1) Kitchen
- 9) One (1) Laundry Area

The Residential portion includes:

- 1) Three Entrances/Exit Points (One of which is only used as an emergency exit)
- 2) Four (4) Bedrooms
- 3) Three (3) Bathrooms
- 4) One (1) Kitchen
- 5) Two (2) Living Areas
- 6) Several Storage/Closets

According to TAD records (Exhibit A), The Original Deed, Instrument 00032540000138, Deed Page 0000138, was issued 12/31/1900 to Jay and Ruth Chambers. Jay, along with his sons James, Duane, and Victor, built the single-family home in approximately 1958 (Exhibit B & C) when the Chambers family relocated from Oklahoma to Richland Hills Texas. 03/22/1978, the homes owner changed to Ruth L Chambers Estate and remained that way until 06/12/1998, when the family sold the home to Halima Lawer, Mrs. Tsing's mother-in-law. Tarrant County Appraisal District shows records of a homestead exemption issued to Mrs. Chambers with 1995 being the final year prior to 2012 (Exhibit D). The reason being is that Mrs. Chambers passed away in 1995 and it no longer met the requirements for a homestead exemption. Our Client cannot speak to the reasons why her mother-in-law did not continue the homestead exemption from 1998-2011 but when Ms. Lawer passed away in 2011, the property was then deeded to Mrs. Tsing on 10/10/2011. The homestead exemption then began again in 2012.

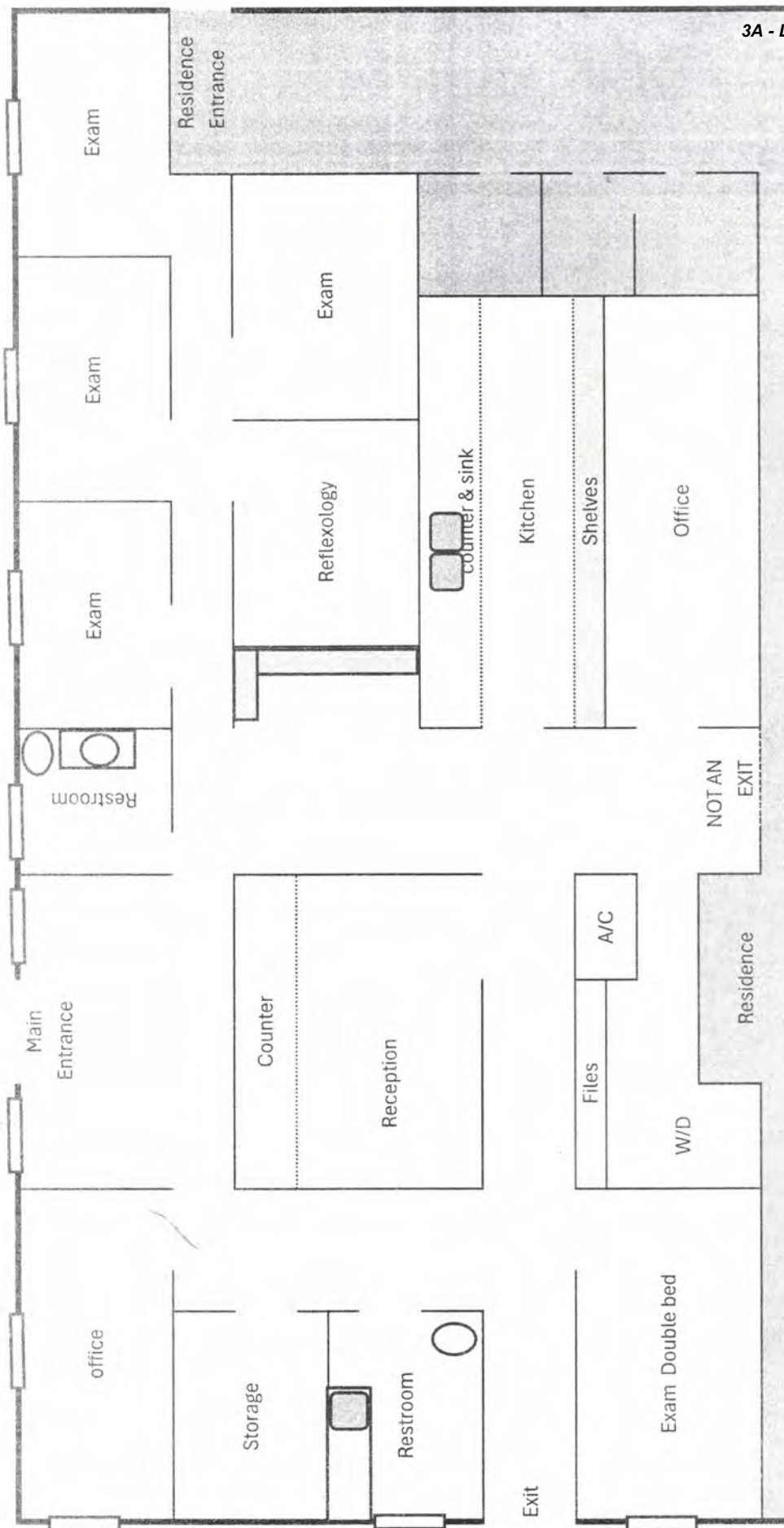
It is unknown to our Client why City records are incomplete and/or missing regarding this homes history but for approximately 66 years, this hand-built property has been used as a residence and with City approval, and passage of City Inspections, it has been both a residence and business for the latter 26 of those 66 years without issue.

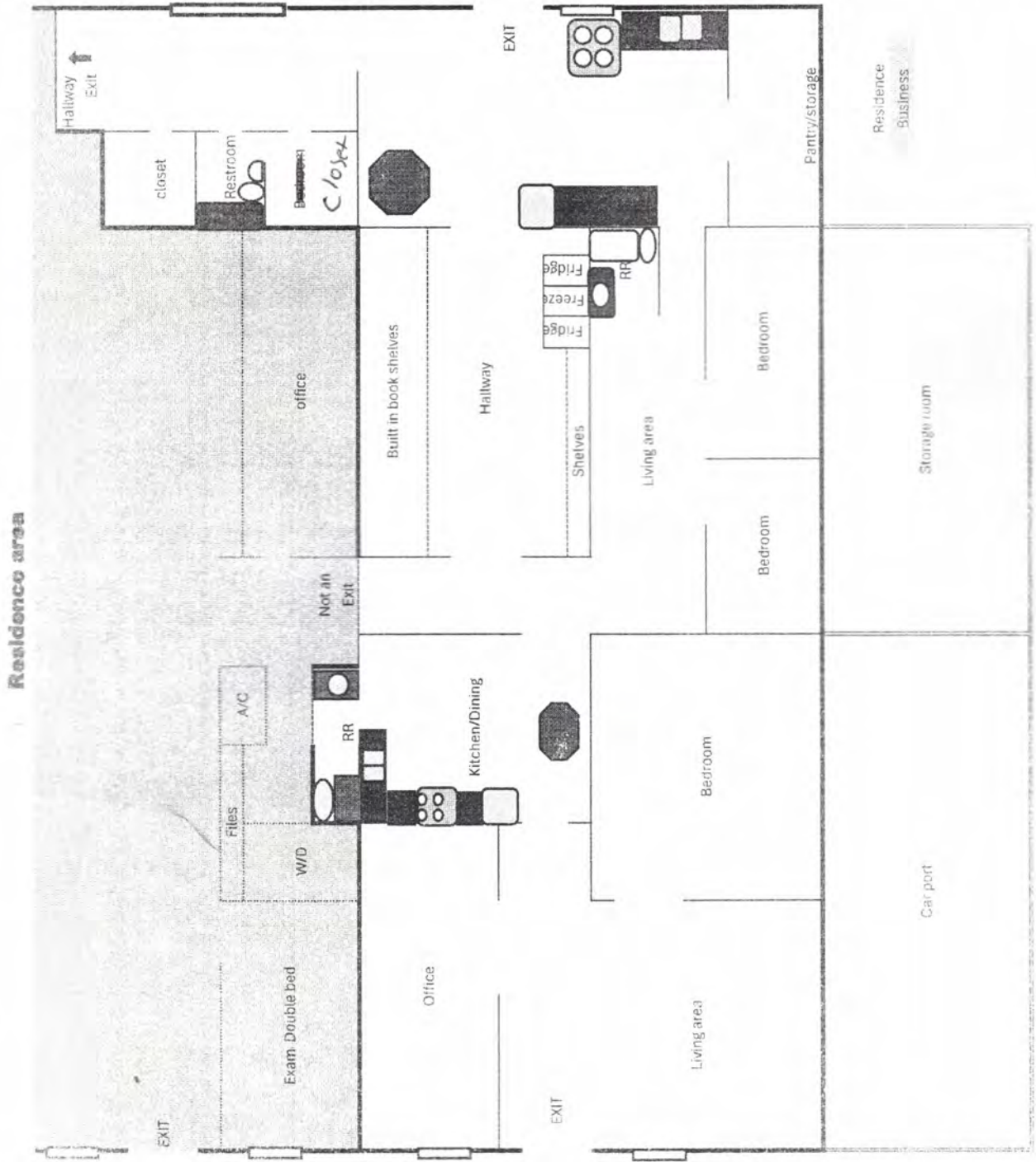
To access the Residential portion from the Commercial portion, an individual must go through a locked door that displays a sign stating, “NO ENTRY, RESIDENTIAL”, followed by an additional door that then leads into the residential portion. To access from outside, an individual must go through a wooden fence with a gate.

THE PROPERTY HAS A CLEAR SEPARATION BETWEEN THE COMMERCIAL AND RESIDENTIAL PORTIONS OF THE PROPERTY AND NO DOOR FROM THE COMMERCIAL PORTION ENTERS DIRECTLY INTO THE RESIDENTIAL PORTION.

3917 BOOTH CALLOWAY RD.
FLOOR PLAN
SPECIAL USE PERMIT APPLICATION

A Chinese Wellness Center



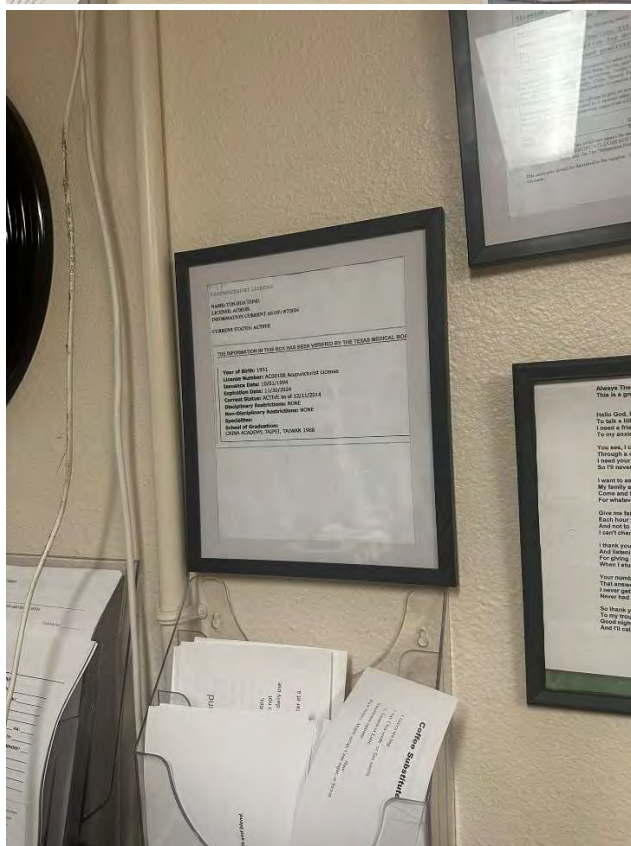
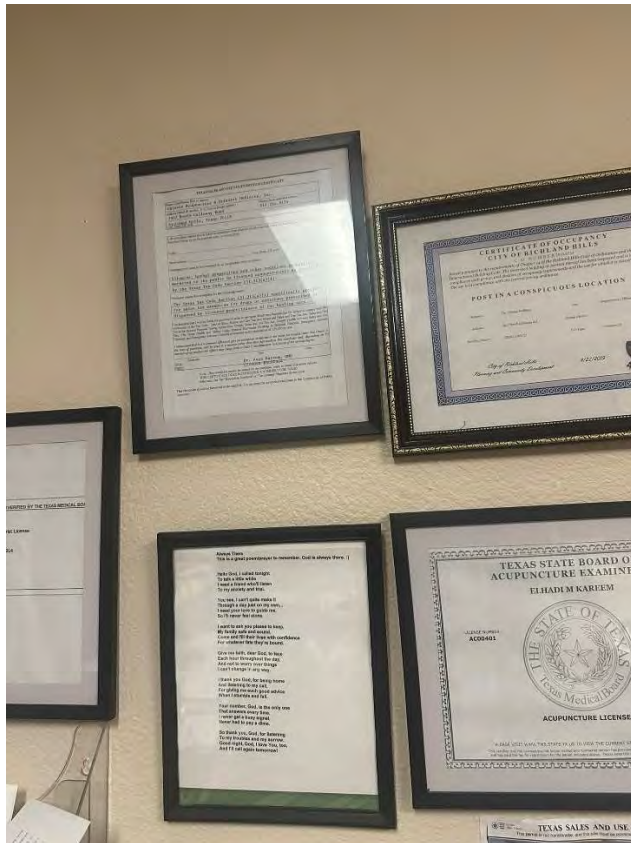


Commercial Portion

Lobby/Reception







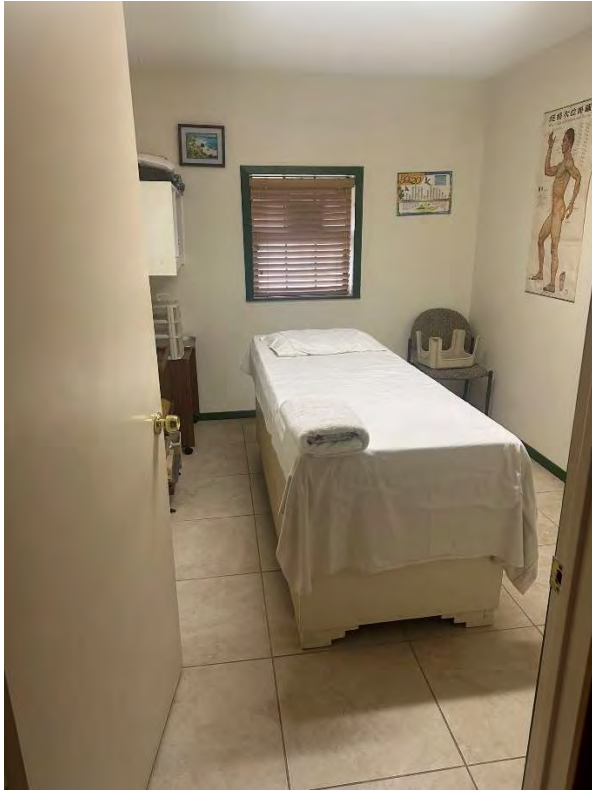
Commercial Portion Supplement Area

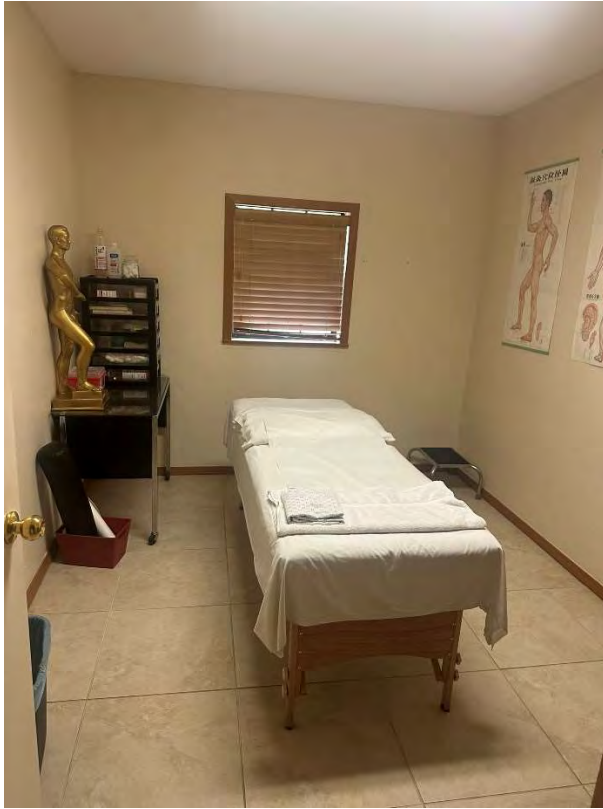


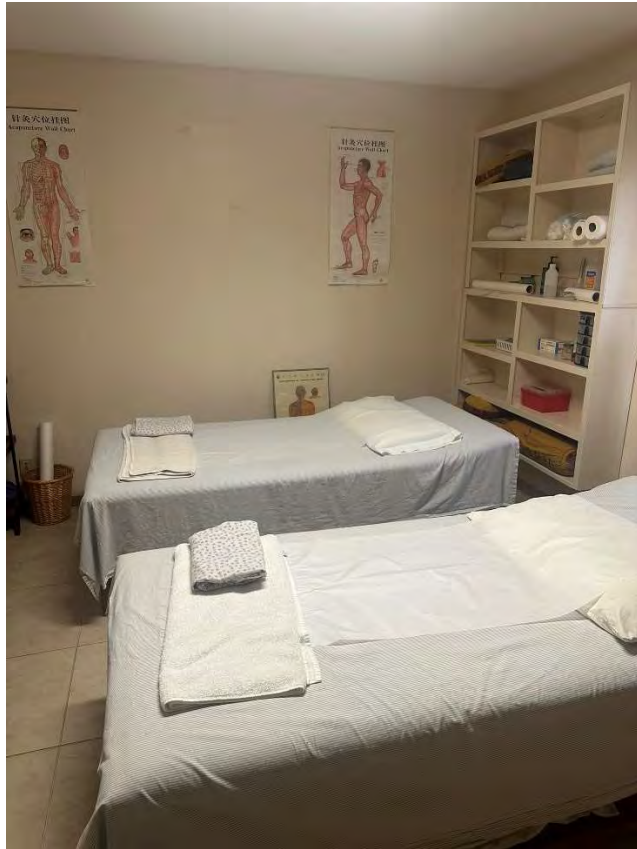
Commercial Portion Office/Storage

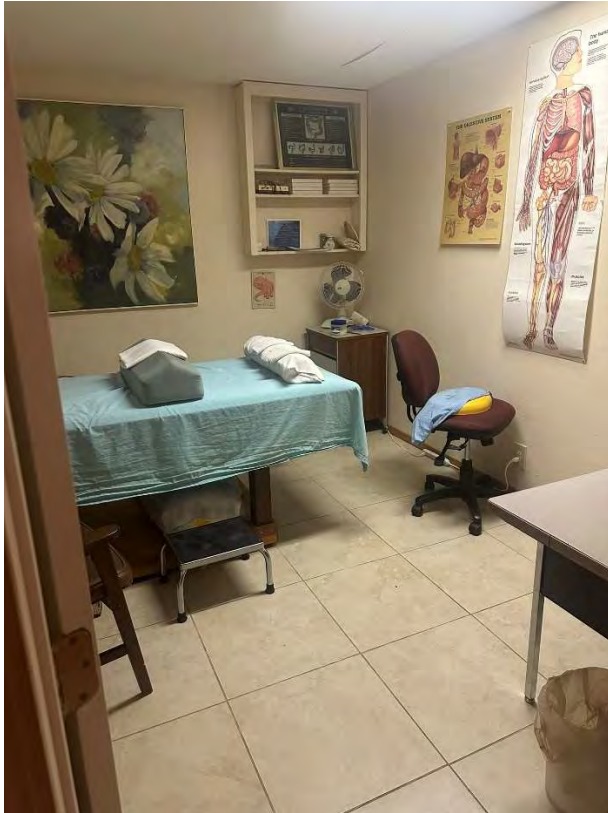


Commercial Portion Exam Rooms









Commercial Portion Kitchen



Commercial Portion Bathrooms



Commercial Portion Hallways



Commercial Portion Additional Entrance



Commercial Portion Laundry Area



Residential Portion Bedrooms





Residential Portion Office



Residential Portion Living Area







Residential Portion Kitchen/Dining





Residential Portion Back Entrance



Residential Backyard



3917 BOOTH CALLOWAY RD.
TARRANT APPRAISAL DISTRICT
SPECIAL USE PERMIT APPLICATION

Email your payment questions: taxepayments@tarrantcountytx.gov

[← GO BACK](#)

ACCOUNT:
00004464257

TOTAL DUE
\$5,263.32

Basic Information

OWNER
TSING JING YI
3917 BOOTH CALLOWAY RD
RICHLAND HILLS, TX 76118-5325

TYPE
 Real

OWNERSHIP %
100.000000

LOCATION
0003917 BOOTH CALLOWAY RD

LEGAL
HAYWORTH, SOL SURVEY ABSTRACT 710 TRACT 2A04K PORTION WITH EXEMPTION

[View More](#) 

Property Tax Record

[PAYMENT HISTORY / RECEIPTS](#)

Sort year by:

Descending

Show:

Current / Due

All Years

2024		DUE AMOUNT
		\$5,263.32
LAST PAYMENT	LEVY AMOUNT	LEVY DUE
None	\$5,263.32	\$5,263.32
PENALTY	INTEREST	COL PENALTY
\$0.00	\$0.00	\$0.00
2024 VALUES		
Land: 57,499		
Improvement: 205,291		
2024 EXEMPTIONS ⓘ		
None		
VIEW BREAKDOWN		
Minimize 		

2023		DUE AMOUNT
		\$0.00

3A - Live Work Unit SUP
Page 35 of 52

LAST PAYMENT None	LEVY AMOUNT \$3,659.88	
PENALTY \$0.00	INTEREST \$0.00	COL PENALTY \$0.00
2023 VALUES Land: 57,499 Improvement: 205,291		
2023 EXEMPTIONS ⓘ Homestead: 100,000		
VIEW BREAKDOWN		
Minimize ^		

2022

DUE AMOUNT

\$0.00

LAST PAYMENT

None

LEVY AMOUNT

\$5,192.00

LEVY DUE

\$0.00

PENALTY

\$0.00

INTEREST

\$0.00

COL PENALTY

\$0.00

2022 VALUES

Land: 57,499

Improvement: 205,291

2022 EXEMPTIONS ⓘ

Homestead: 40,000

VIEW BREAKDOWN

Minimize ^

2021

DUE AMOUNT

\$0.00

LAST PAYMENT

None

LEVY AMOUNT

\$5,399.33

LEVY DUE

\$0.00

PENALTY

\$0.00

INTEREST

\$0.00

COL PENALTY

\$0.00

2021 VALUES

Land: 57,499

Improvement: 197,606

2021 EXEMPTIONS ⓘ

Homestead: 25,000

VIEW BREAKDOWN

Minimize ^

--

DUE AMOUNT

2020

\$0.00

LAST PAYMENT None	LEVY AMOUNT \$5,516.43	LEVY DUE \$0.00
----------------------	---------------------------	--------------------

PENALTY \$0.00	INTEREST \$0.00	COL PENALTY \$0.00
-------------------	--------------------	-----------------------

2020 VALUES
Land: 57,499
Improvement: 174,415

2020 EXEMPTIONS ⓘ
Homestead: 25,000

[VIEW BREAKDOWN](#)[Minimize ^](#)

2019

DUE AMOUNT

\$0.00

LAST PAYMENT None	LEVY AMOUNT \$4,990.27	LEVY DUE \$0.00
----------------------	---------------------------	--------------------

PENALTY \$0.00	INTEREST \$0.00	COL PENALTY \$0.00
-------------------	--------------------	-----------------------

2019 VALUES
Land: 57,499
Improvement: 153,332

2019 EXEMPTIONS ⓘ
Homestead: 25,000

[VIEW BREAKDOWN](#)[Minimize ^](#)

2018

DUE AMOUNT

\$0.00

LAST PAYMENT None	LEVY AMOUNT \$4,601.16	LEVY DUE \$0.00
----------------------	---------------------------	--------------------

PENALTY \$0.00	INTEREST \$0.00	COL PENALTY \$0.00
-------------------	--------------------	-----------------------

2018 VALUES
Land: 57,499
Improvement: 134,165

2018 EXEMPTIONS ⓘ
Homestead: 25,000

[VIEW BREAKDOWN](#)[Minimize ^](#)

2017

\$0.00

LAST PAYMENT	LEVY AMOUNT	LEVY DUE
None	\$4,212.30	\$0.00

PENALTY	INTEREST	COL PENALTY
\$0.00	\$0.00	\$0.00

2017 VALUES
Land: 57,499
Improvement: 116,741

2017 EXEMPTIONS ⓘ
Homestead: 25,000

[VIEW BREAKDOWN](#)[Minimize ^](#)

2016

DUE AMOUNT

\$0.00

LAST PAYMENT	LEVY AMOUNT	LEVY DUE
None	\$3,900.56	\$0.00

PENALTY	INTEREST	COL PENALTY
\$0.00	\$0.00	\$0.00

2016 VALUES
Land: 91,999
Improvement: 66,401

2016 EXEMPTIONS ⓘ
Homestead: 25,000

[VIEW BREAKDOWN](#)[Minimize ^](#)

2015

DUE AMOUNT

\$0.00

LAST PAYMENT	LEVY AMOUNT	LEVY DUE
None	\$3,415.23	\$0.00

PENALTY	INTEREST	COL PENALTY
\$0.00	\$0.00	\$0.00

2015 VALUES
Land: 57,499
Improvement: 86,501

2015 EXEMPTIONS ⓘ
Homestead: 25,000

[VIEW BREAKDOWN](#)[Minimize ^](#)

2014

\$0.00

LAST PAYMENT None	LEVY AMOUNT \$3,535.22	LEVY DUE \$0.00
----------------------	---------------------------	--------------------

PENALTY \$0.00	INTEREST \$0.00	COL PENALTY \$0.00
-------------------	--------------------	-----------------------

2014 VALUES
Land: 57,499
Improvement: 86,501

2014 EXEMPTIONS ⓘ
Homestead: 15,000

[VIEW BREAKDOWN](#)[Minimize ^](#)

2013

DUE AMOUNT

\$0.00

LAST PAYMENT None	LEVY AMOUNT \$3,535.22	LEVY DUE \$0.00
----------------------	---------------------------	--------------------

PENALTY \$0.00	INTEREST \$0.00	COL PENALTY \$0.00
-------------------	--------------------	-----------------------

2013 VALUES
Land: 57,499
Improvement: 86,501

2013 EXEMPTIONS ⓘ
Homestead: 15,000

[VIEW BREAKDOWN](#)[Minimize ^](#)

2012

DUE AMOUNT

\$0.00

LAST PAYMENT None	LEVY AMOUNT \$3,361.03	LEVY DUE \$0.00
----------------------	---------------------------	--------------------

PENALTY \$0.00	INTEREST \$0.00	COL PENALTY \$0.00
-------------------	--------------------	-----------------------

2012 VALUES
Land: 57,499
Improvement: 79,841

2012 EXEMPTIONS ⓘ
Homestead: 15,000

[VIEW BREAKDOWN](#)[Minimize ^](#)

DUE AMOUNT

2011

\$0.00

LAST PAYMENT None	LEVY AMOUNT \$6,319.44	LEVY DUE \$0.00
----------------------	---------------------------	--------------------

PENALTY \$0.00	INTEREST \$0.00	COL PENALTY \$0.00
-------------------	--------------------	-----------------------

2011 VALUES
Land: 95,832
Improvement: 144,668

2011 EXEMPTIONS ⓘ
None

[VIEW BREAKDOWN](#)[Minimize ^](#)

2010

DUE AMOUNT

\$0.00

LAST PAYMENT None	LEVY AMOUNT \$6,186.98	LEVY DUE \$0.00
----------------------	---------------------------	--------------------

PENALTY \$0.00	INTEREST \$0.00	COL PENALTY \$0.00
-------------------	--------------------	-----------------------

2010 VALUES
Land: 95,832
Improvement: 144,668

2010 EXEMPTIONS ⓘ
None

[VIEW BREAKDOWN](#)[Minimize ^](#)

2009

DUE AMOUNT

\$0.00

LAST PAYMENT None	LEVY AMOUNT \$6,469.63	LEVY DUE \$0.00
----------------------	---------------------------	--------------------

PENALTY \$0.00	INTEREST \$0.00	COL PENALTY \$0.00
-------------------	--------------------	-----------------------

2009 VALUES
Land: 95,832
Improvement: 162,168

2009 EXEMPTIONS ⓘ
None

[VIEW BREAKDOWN](#)[Minimize ^](#)

DUE AMOUNT

2008

\$0.00

LAST PAYMENT None	LEVY AMOUNT \$6,447.57	LEVY DUE \$0.00
----------------------	---------------------------	--------------------

PENALTY \$0.00	INTEREST \$0.00	COL PENALTY \$0.00
-------------------	--------------------	-----------------------

2008 VALUES
Land: 95,832
Improvement: 162,168

2008 EXEMPTIONS ⓘ
None

[VIEW BREAKDOWN](#)[Minimize ^](#)

2007

DUE AMOUNT

\$0.00

LAST PAYMENT None	LEVY AMOUNT \$6,448.30	LEVY DUE \$0.00
----------------------	---------------------------	--------------------

PENALTY \$0.00	INTEREST \$0.00	COL PENALTY \$0.00
-------------------	--------------------	-----------------------

2007 VALUES
Land: 95,832
Improvement: 162,933

2007 EXEMPTIONS ⓘ
None

[VIEW BREAKDOWN](#)[Minimize ^](#)

2006

DUE AMOUNT

\$0.00

LAST PAYMENT None	LEVY AMOUNT \$6,129.29	LEVY DUE \$0.00
----------------------	---------------------------	--------------------

PENALTY \$0.00	INTEREST \$0.00	COL PENALTY \$0.00
-------------------	--------------------	-----------------------

2006 VALUES
Land: 95,832
Improvement: 135,168

2006 EXEMPTIONS ⓘ
None

[VIEW BREAKDOWN](#)[Minimize ^](#)

DUE AMOUNT

2005

\$0.00

LAST PAYMENT	LEVY AMOUNT	LEVY DUE
None	\$5,197.83	\$0.00

PENALTY	INTEREST	COL PENALTY
\$0.00	\$0.00	\$0.00

2005 VALUES
Land: 95,832
Improvement: 96,668

2005 EXEMPTIONS ⓘ
None

[VIEW BREAKDOWN](#)[Minimize ^](#)

2004

DUE AMOUNT

\$0.00

LAST PAYMENT	LEVY AMOUNT	LEVY DUE
None	\$5,198.60	\$0.00

PENALTY	INTEREST	COL PENALTY
\$0.00	\$0.00	\$0.00

2004 VALUES
Land: 95,832
Improvement: 96,668

2004 EXEMPTIONS ⓘ
None

[VIEW BREAKDOWN](#)[Minimize ^](#)

2003

DUE AMOUNT

\$0.00

LAST PAYMENT	LEVY AMOUNT	LEVY DUE
None	\$4,712.25	\$0.00

PENALTY	INTEREST	COL PENALTY
\$0.00	\$0.00	\$0.00

2003 VALUES
Land: 95,832
Improvement: 79,168

2003 EXEMPTIONS ⓘ
None

[VIEW BREAKDOWN](#)[Minimize ^](#)

DUE AMOUNT

2002

\$0.00

LAST PAYMENT None	LEVY AMOUNT \$2,812.54	LEVY DUE \$0.00
----------------------	---------------------------	--------------------

PENALTY \$0.00	INTEREST \$0.00	COL PENALTY \$0.00
-------------------	--------------------	-----------------------

2002 VALUES
Land: 76,666
Improvement: 28,334

2002 EXEMPTIONS ⓘ
None

[VIEW BREAKDOWN](#)[Minimize ^](#)

2001

DUE AMOUNT

\$0.00

LAST PAYMENT None	LEVY AMOUNT \$3,005.76	LEVY DUE \$0.00
----------------------	---------------------------	--------------------

PENALTY \$0.00	INTEREST \$0.00	COL PENALTY \$0.00
-------------------	--------------------	-----------------------

2001 VALUES
Land: 76,666
Improvement: 28,334

2001 EXEMPTIONS ⓘ
None

[VIEW BREAKDOWN](#)[Minimize ^](#)

2000

DUE AMOUNT

\$0.00

LAST PAYMENT None	LEVY AMOUNT \$2,163.55	LEVY DUE \$0.00
----------------------	---------------------------	--------------------

PENALTY \$0.00	INTEREST \$0.00	COL PENALTY \$0.00
-------------------	--------------------	-----------------------

2000 VALUES
Land: 76,666
Improvement: 6,450

2000 EXEMPTIONS ⓘ
None

[VIEW BREAKDOWN](#)[Minimize ^](#)

DUE AMOUNT

1999

\$0.00

LAST PAYMENT None	LEVY AMOUNT \$2,124.28	LEVY DUE \$0.00
----------------------	---------------------------	--------------------

PENALTY \$0.00	INTEREST \$0.00	COL PENALTY \$0.00
-------------------	--------------------	-----------------------

1999 VALUES
Land: 76,666
Improvement: 6,450

1999 EXEMPTIONS ⓘ
None

[VIEW BREAKDOWN](#)[Minimize ^](#)

1998

DUE AMOUNT

\$0.00

LAST PAYMENT None	LEVY AMOUNT \$1,618.51	LEVY DUE \$0.00
----------------------	---------------------------	--------------------

PENALTY \$0.00	INTEREST \$0.00	COL PENALTY \$0.00
-------------------	--------------------	-----------------------

1998 VALUES
Land: 57,499
Improvement: 6,450

1998 EXEMPTIONS ⓘ
None

[VIEW BREAKDOWN](#)[Minimize ^](#)

1997

DUE AMOUNT

\$0.00

LAST PAYMENT None	LEVY AMOUNT \$1,408.12	LEVY DUE \$0.00
----------------------	---------------------------	--------------------

PENALTY \$0.00	INTEREST \$0.00	COL PENALTY \$0.00
-------------------	--------------------	-----------------------

1997 VALUES
Land: 51,749
Improvement: 6,450

1997 EXEMPTIONS ⓘ
None

[VIEW BREAKDOWN](#)[Minimize ^](#)

DUE AMOUNT

1996

\$0.00

LAST PAYMENT

None

LEVY AMOUNT

\$1,425.01

LEVY DUE

\$0.00

PENALTY

\$0.00

INTEREST

\$0.00

COL PENALTY

\$0.00

1996 VALUES

Land: 51,749

Improvement: 6,450

1996 EXEMPTIONS ⓘ

None

[VIEW BREAKDOWN](#)[Minimize ^](#)

1995

DUE AMOUNT

\$0.00

LAST PAYMENT

None

LEVY AMOUNT

\$807.78

LEVY DUE

\$0.00

PENALTY

\$0.00

INTEREST

\$0.00

COL PENALTY

\$0.00

1995 VALUES

Land: 51,749

Improvement: 6,450

1995 EXEMPTIONS ⓘ

Homestead: 5,000

[VIEW BREAKDOWN](#)[Minimize ^](#)

1994

DUE AMOUNT

\$0.00

[View More v](#)

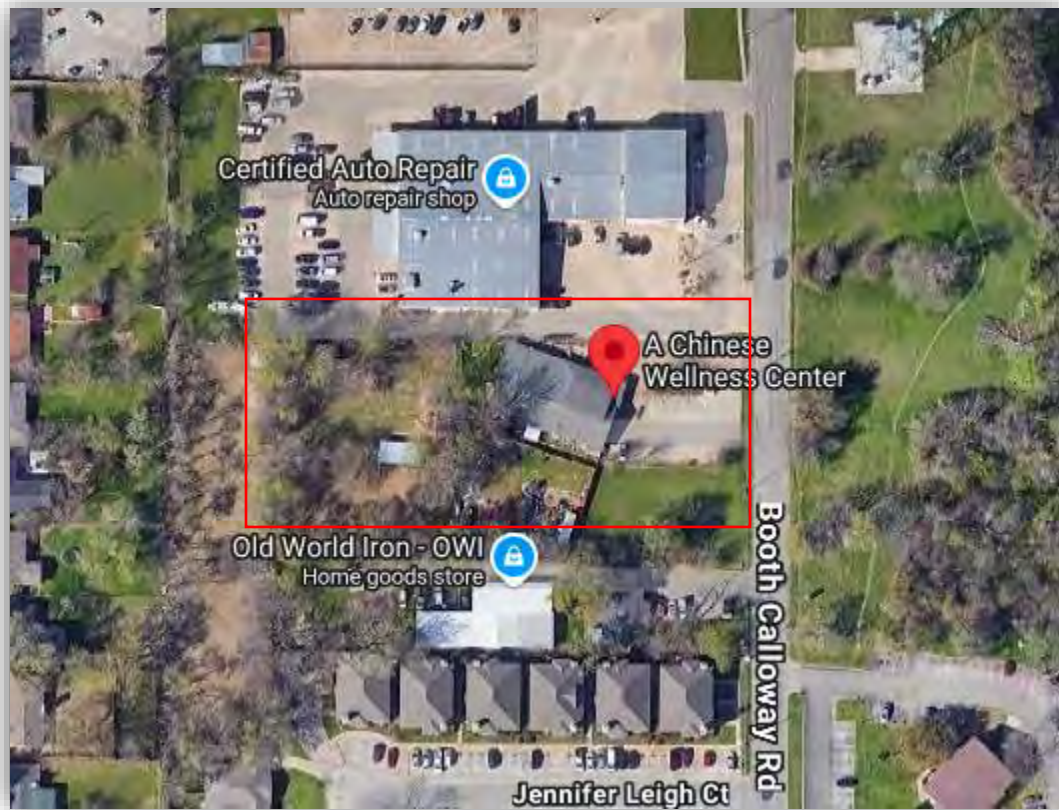
1993

DUE AMOUNT

\$0.00

[View More v](#)[PAY](#)[ADD TO CART](#)[E-STATEMENT](#)[RECEIPTS](#)

3917 Booth Calloway Property Photos



ORDINANCE NO. 1521-25

AN ORDINANCE AMENDING CHAPTER 90, "ZONING," OF THE RICHLAND HILLS CODE, AS AMENDED, THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF RICHLAND HILLS; GRANTING A SPECIFIC USE PERMIT ALLOWING A LIVE/WORK UNIT ON CERTAIN PROPERTY LOCATED AT 3917 BOOTH CALLOWAY ROAD, RICHLAND HILLS, TEXAS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Richland Hills (the "City") is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, pursuant to Chapter 211 of the Local Government Code, the City has adopted a Comprehensive Zoning Ordinance and map, codified as Chapter 90 of the Richland Hills Code, regulating the location and use of buildings, other structures, and land for business, industrial, residential, or other purposes, and providing for a method to amend said ordinance and map for the purpose of promoting the public health, safety, morals, and general welfare, all in accordance with a comprehensive plan; and

WHEREAS, in accordance with the Comprehensive Zoning Ordinance, the owner of the property referenced below has filed an application for a specific use permit for a Live/Work Unit use in the Mixed Use (MX) Zoning District; and

WHEREAS, a public hearing was duly held by the Planning and Zoning Commission of the City on January 28, 2025 and thereafter by the City Council on February 10, 2025, with respect to the use changes described herein; and

WHEREAS, all requirements of law dealing with notice to other property owners, publication, and all procedural requirements have been complied with in accordance with the Comprehensive Zoning Ordinance and Chapter 211 of the Local Government Code; and

WHEREAS, the City Council does hereby deem it advisable and in the public interest to grant such permit on the terms and conditions described herein; and

WHEREAS, the proposed change is consistent with the City's comprehensive land use plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RICHLAND HILLS, TEXAS, THAT:

SECTION 1. SPECIAL USE PERMIT GRANTED

Chapter 90, "Zoning," of the Richland Hills Code, as amended, is hereby amended so that a specific use permit is granted as shown and described below:

Applicant: Jing Yi Tsing

Property Owner: Jing Yi Tsing

Property Address: 3917 Booth Calloway Rd, Richland Hills, Texas 76118

Legal Description: HAYWORTH, SOL SURVEY Abstract 710 Tract 2A04K

Zoning Change: The property shall remain located in the Mixed Use (MX) Zoning District, and a specific use permit for a Live/Work Unit is hereby granted subject to the terms and conditions provided herein.

SECTION 2. ZONING ORDINANCE AND SPECIAL TERMS AND CONDITIONS APPLICABLE

The use of the property described herein shall be subject to all the applicable regulations contained in the Comprehensive Zoning Ordinance and all other applicable and pertinent ordinances of the City for the zoning district into which they have been assigned.

SECTION 3. ORDINANCE CUMULATIVE

This Ordinance shall be cumulative of all other ordinances of the City affecting zoning and land use, as amended, and shall not repeal any of the provisions of such ordinances except in those instances where provisions of such ordinances are in direct conflict with the provisions of this Ordinance.

SECTION 4. RESERVATION OF RIGHTS AND REMEDIES FOR ACCRUED VIOLATIONS

All rights or remedies of the City are expressly saved as to any and all violations of Chapter 90 of the Richland Hills Code, as amended, or any other ordinance affecting zoning and land use that have accrued at the time of the effective date of this Ordinance and as to such accrued violations and all pending litigation, both civil and criminal, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 5. PROVISIONS SEVERABLE

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 6. PENALTY CLAUSE

Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine as provided in Section 1-14 of the Richland Hills Code. Each day that a violation is permitted to exist shall constitute a separate offense. In addition, any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance may be subjected to such civil penalties as authorized by law.

SECTION 7. PUBLICATION CLAUSE

The City Secretary is hereby directed to publish in the official newspaper of the City the caption and penalty clause of this Ordinance one (1) time within ten (10) days after the first reading of this Ordinance as required by Section 10.01 of the Charter of the City.

SECTION 8. EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED at a regular meeting of the Richland Hills City Council on February 10, 2025, by a vote of _____ ayes, _____ nays, and _____ abstentions.

APPROVED:

THE HONORABLE MAYOR CURTIS BERGTHOLD

ATTEST:

LINDSAY RAWLINSON, CITY SECRETARY

§ 6.08. Specific Use Permit (SUP).**90-6.08.01 Specific Use Permit Regulations and Procedures.****(A) Procedures for processing a specific use permit.**

- (1) The zoning administrator shall initiate review of the SUP and may request written comments from the development review committee (DRC), if deemed necessary.
- (2) Planning and zoning commission shall review and recommend approval, approval with conditions, or denial of the SUP to the city council.
- (3) After receiving recommendation from planning and zoning commission, city council shall approve, approve with conditions, or deny the SUP. Although the approval of the SUP does not change the zoning classification.
- (4) Both planning and zoning commission and city council shall provide the required public hearing and notice in accordance with section 6.03.02. Public Hearings and Notification Requirements for Zoning Related Applications.

(B) Compatibility considerations.

- (1) The city council and the planning and zoning commission in considering any request for specific use permit shall only approve such request after they have determined that the use or uses allowed will not be detrimental to the adjacent properties or to the city as a whole.
- (2) The zoning administrator, city council and the planning and zoning commission may require from the applicant any plans, information, operational data, and expert evaluation concerning the location, function, and characteristics of the proposed use or buildings.
- (3) The city council when granting a specific use permit, and the planning and zoning commission when making a recommendation concerning a specific use permit, shall establish conditions and regulations, in addition to those of the base zoning district, necessary to protect the health, safety, morals, and general welfare of the neighborhood and/or the city. In addition, the use shall be in general conformance with the comprehensive plan and general objectives of the city. These conditions may include but are not limited to:
 - (a) Paving of streets, alleys and sidewalks;
 - (b) Means of ingress and egress to public streets;
 - (c) Provisions for drainage;
 - (d) Adequate off-street parking;
 - (e) Protective screening, landscaping, and open space;
 - (f) Area or security lighting;

§ 6.08

§ 6.08

- (g) The locations and heights of structures;
- (h) Architectural compatibility of buildings;
- (i) Intensity of the use; and
- (j) Adequate traffic circulation required to contain all stacking activity on the site.

(C) Imposed conditions for approval.

- (1) In granting a specific use permit, the city council may impose conditions that shall be complied with by the owner or grantee before a certificate of occupancy may be issued by the building official for use of the building or property.
- (2) Any special conditions shall be set forth in writing in the ordinance granting the SUP.

(D) Compliance mandatory with written requirements. No specific use permit shall be granted unless the applicant, owner and grantee of the specific use permit shall be willing to accept and agree to be bound by and comply with the written requirements of the specific use permit, as attached to the site plan drawing(s) and approved by the planning and zoning commission and city council.

(E) Specific use permit expiration and extension.

- (1) SUP expiration. An SUP shall automatically expire if a building permit is not issued and construction begun within six months of the granting of the SUP.
- (2) SUP extension. The city council may authorize an extension beyond the six months upon recommendation by the zoning administrator.

(F) Enlargement, modification or structural alternation.

- (1) A building, premises, or land used under a specific use permit may be enlarged, modified, structurally altered, or otherwise changed provided the changes do not:
 - (a) Increase the height of structures, including antenna support structures;
 - (b) Increase building square footage from its size at the time the original specific use permit was granted by greater than ten percent;
 - (c) Reduce the distance between a building or noise-generating activity on the property and an adjacent, off-site residential use. This provision shall not apply should the property and the residential use be separated by a major thoroughfare depicted on the city's thoroughfare plan; or
 - (d) Reduce the amount of open space as indicated on the previously approved zoning exhibit.
- (2) All other enlargements, modifications, structural alterations, or changes shall require the approval of a new specific use permit. Antennas may be placed on

§ 6.08

§ 6.08

antenna support structure that is already permitted by an existing specific use permit without approval of a separate specific use permit subject to approval of a final plat and site plan for the property if appropriate.

- (3) An SUP can only be used by the specific use for which it is granted. (For example, a use that obtained an SUP cannot convert to another use that requires an SUP without approval.)
 - (G) Board of adjustment exclusion. The board of adjustment shall not have jurisdiction to hear, review, reverse, or modify any decision, determination, or ruling with respect to the specific land use designated by any specific use permit.
 - (H) Attached only to property Specific use permits are attached to the property, not to the owner, the business, or the subtenant.
 - (I) Amend, change, or rescind a specific use permit. Upon holding a properly noticed public hearing, the city council may amend, change, or rescind a specific use permit after recommendation by the planning and zoning commission if:
 - (1) The building, premises, or land uses under a specific use permit is enlarged, modified, structurally altered, or otherwise significantly changed without approval of a separate specific use permit for such enlargement, modification, structural alteration or change;
 - (2) Violation of any provision of the terms or conditions of a specific use permit;
 - (3) Ad valorem taxes on the property are delinquent by more than six months; or
 - (4) The specific use permit was obtained by fraud or with deception.
- [Ord. No. 1273-14, § 1(Exh. A), 5-6-2014; Ord. No. 1462-22 adopted 10/24/2022]

Memorandum

To: Honorable Mayor Curtis Bergthold and Richland Hills City Council Members

From: Candice Edmondson, City Manager

Date: February 10, 2025

Subject: Social Media Policy for Elected and Appointed Officials

Agenda Item:

Consider Resolution 609-25 adopting a policy establishing the City's social media accounts and City website as the official pages for communicating City business and providing guidance to elected and appointed officials regarding the proper and effective use of social media

Background Information:

During the January 27, 2025 City Council meeting, staff presented a draft policy for social media use by elected and appointed officials. The policy had been requested by Council Members who wanted to establish guidelines for the proper and effective use of social media accounts.

The attached policy ensures social media use aligns with legal, ethical and professional standards while fostering transparency, accountability, respectful communication and meaningful community engagement.

Following City Council discussion, staff made the following updates to the policy:

- Added a definition for "Public Official" or "Official" under Section II. Definitions.
- Added a suggested statement to be included on an official's post or account indicating opinions and statements are his/her own under Section III. Separation of Personal and Professional Accounts. The statement reads as follows: *"The views expressed on this post are my own and do not reflect the official position of the City of Richland Hills, City Council or any board or commission."*
- Added the following guidelines under Section V. Guidelines for Social Media Use:
 - o Officials should carefully consider whether liking, sharing, retweeting, or commenting on social media posts may be perceived as an endorsement of a specific individual, statement, viewpoint, or political affiliation.

- o Officials should not use false profiles, aliases or another individual's social media account to post comments or share information.

Financial Considerations:

N/A

Legal Review:

The City Attorney has reviewed the proposed policy.

Board/Citizen Input:

N/A

Attachments:

Resolution 609-25

Council Action Requested:

Motion to approve Resolution 609-25 adopting a policy establishing the City's social media accounts and City website as the official pages for communicating City business and providing guidance to elected and appointed officials regarding the proper and effective use of social media

RESOLUTION NO. 609-25

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHLAND HILLS, TEXAS, ADOPTING A POLICY ESTABLISHING THE CITY'S SOCIAL MEDIA ACCOUNTS AND CITY WEBSITE AS THE OFFICIAL PAGES FOR COMMUNICATING CITY BUSINESS; PROVIDING GUIDANCE TO ELECTED AND APPOINTED OFFICIALS REGARDING THE PROPER AND EFFECTIVE USE OF SOCIAL MEDIA; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Richland Hills, Texas ("City") is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the United States Supreme Court recently issued its opinion in *Lindke v. Freed*, in which the Court ruled that city employees do not lose their First Amendment right to use their social media accounts as city employees. However, if a city official or employee uses their personal accounts to share city business as the authorized spokesperson for the city, their personal accounts become a public forum for city business; and

WHEREAS, the Court provided limited guidance in determining when an officer or employee is acting as an authorized spokesperson for the city. The Court stated that a disclaimer on an official or employee's personal social media page explaining that all views are expressed are their own, and not the views of the city would be strong evidence against being an authorized spokesperson for the city; and

WHEREAS, the City Council desires to officially recognize the City's social media accounts and the City's website as the only authorized and official pages for communicating City business; and

WHEREAS, the City Council desires to create and adopt a policy, attached hereto as **Exhibit A**, to provide protection for elected and appointed officials who have social media accounts; and

WHEREAS, the City Council desires to recommend all officials and employees include the disclaimer suggested by the Supreme Court in *Freed* on their personal social media accounts.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RICHLAND HILLS, TEXAS, THAT:

SECTION 1.

All the above premises are true and correct of the City Council, and they are hereby approved, ratified, and incorporated into the body of this Resolution as if copied in their entirety.

SECTION 2.

The City Council hereby establishes that the City's social media accounts and City's website are the authorized and official pages for communication of city business on behalf of the City.

SECTION 3.

City officials and employees are not authorized to use their personal social media accounts to act as official spokespersons or to communicate official business on behalf of the City.

SECTION 4.

Nothing in this Resolution prevents a City official or employee from maintaining or operating a social media account. Further, nothing in this Resolution prevents a City official or employee from sharing information related to City business on their personal social media accounts. The City Council recommends that all officials and employees include a disclaimer on their personal social media accounts that the views expressed on their personal pages are their own and are not authorized communications of the City.

SECTION 5.

This Resolution shall be effective immediately upon its passage.

APPROVED AND ADOPTED at a regular meeting of the Richland Hills City Council on February 10, 2025, by a vote of _____ ayes, _____ nays, and _____ abstentions.

APPROVED:

The Honorable Curtis Bergthold, Mayor

ATTEST:

Lindsay Rawlinson, City Secretary

EXHIBIT A

City of Richland Hills Social Media Policy for Elected and Appointed Officials

I. Purpose Statement

The purpose of this policy is to provide guidelines for the proper and effective use of social media by elected and appointed officials of the City of Richland Hills. This policy ensures social media use aligns with legal, ethical, and professional standards while fostering transparency, accountability, respectful communication, and meaningful community engagement.

II. Definitions

1. Comment: A response to social media content submitted by a commenter.
2. Commenter: A member of the public who replies or posts a comment in response to specific content.
3. Public Official or Official: An individual who has been elected or appointed to a position on the Richland Hills City Council or an official City board or commission.
4. Social Media: Social media is content created by individuals using accessible and scalable technologies through the internet. This can include (but is not limited to) Facebook, Flickr, Instagram, X (formerly known as Twitter), Nextdoor, Threads, and YouTube.

III. Separation of Personal and Professional Accounts

Public officials should separate personal social media accounts from professional social media accounts so that City-related matters and all public records generated from those posts are easily archived.

1. Officials who choose to create a professional social media account should clearly indicate their position as a member of the City of Richland Hills Council, or designated board or commission, and their intent to use the account as a way of communicating with citizens but not to speak on behalf of the City.
2. Professional social media accounts should indicate that the views, postings, positions or opinions expressed on the site are the officials' own and may not represent those of the City of Richland Hills, Richland Hills City Council or designated board or commission. A suggested statement would be, *"The views expressed on this post are my own and do not reflect the official position of the City of Richland Hills, City Council or any board or commission."*

3. Officials should be honest and accurate when posting information or news, and should quickly correct any mistakes, misstatements, and/or factual errors in content upon delivery.
4. Officials should avoid using personal social media accounts to share or communicate about City business.
5. Officials should keep professional social media accounts and campaign social media accounts separate to avoid potential legal violations related to using government resources for political purposes.
6. Officials should refrain from expressing personal political opinions or engaging in advocacy on professional accounts.

II. Legal and Ethical Compliance

Public officials should be mindful that posting content regarding City-related matters could inadvertently result in violations of legal, ethical or professional standards.

1. **Compliance with the Texas Open Meetings Act (TOMA):**
Officials must avoid discussions on social media that could be interpreted as deliberation or decision-making by a quorum outside of an official meeting. For example, refrain from commenting on threads where multiple council, board or commission members are participating.
2. **Compliance with the Texas Public Information Act (TPIA):**
Posts, messages, and comments made in an official capacity may be considered public records and subject to disclosure under TPIA. Ensure all content is retained according to public records requirements.
3. **First Amendment Considerations:**
Official social media pages are considered public forums. Blocking users or deleting comments solely based on disagreement or viewpoint could lead to First Amendment violations.
4. **Ethical Standards:**
Officials must act with integrity, avoid sharing confidential or proprietary information, and ensure that all posts reflect positively on the City representing its mission and core values.

III. Public Records Retention

Statements about City-related matters made by public officials on personal or professional social media accounts may be considered public record. As such, the following should be considered:

1. The City does not archive or manage social media accounts for officials. The official is solely responsible for the retention and archival of content published to individual accounts.
2. Officials should not delete posts and comments regarding any City-related matters, on personal or professional social media accounts, to avoid violating record retention requirements.
3. Officials are encouraged to create a digital file to archive any City-related social media content.

IV. Crisis Communication

Timely, accurate and consistent communication is essential during emergencies or crises. The City will utilize its social media accounts to disseminate critical information, ensuring the safety, preparedness, and well-being of the community.

1. Officials should refrain from posting information about an emergency or crisis situation without approval from the designated City official.
2. Officials are encouraged to share information posted on the City's official website and social media accounts.

V. Guidelines for Social Media Use

Officials should use their professional social media accounts to foster meaningful community engagement. Social media should serve as a platform to inform the public about City programs, initiatives, and events while encouraging constructive dialogue and active participation in civic activities. The following are guidelines and best practices for the effective and appropriate use of social media:

1. Officials should only share accurate and verifiable information.
2. Officials should clearly state when sharing personal opinions on City-related matters to avoid creating the perception that their views reflect the consensus of the City Council or other officials. Officials who choose to create a professional social media account should clearly indicate their position as a member of the City of Richland Hills Council, or designated board or commission, and their intent to use the account as a way of communicating with citizens but not to speak on behalf of the City. Official social media accounts should indicate that the views, postings, positions or opinions expressed on the site are the officials' own and may not represent those of the City of Richland Hills, Richland Hills City Council, or designated board or commission.

3. Officials are strongly encouraged to consider the potential impact of social media statements and how they reflect on the City Council, City of Richland Hills and community as a whole.
4. Officials should carefully consider whether liking, sharing, retweeting, or commenting on social media posts may be perceived as an endorsement of a specific individual, statement, viewpoint, or political affiliation.
5. Officials should remain courteous and respectful in social media posts and comments. Content containing slurs, profanity, or expressions of bigotry based on race, religion, national origin, sexual orientation, gender, party affiliation, or any legally protected classification may be deemed conduct unbecoming.
6. Officials should avoid using professional accounts to endorse political candidates, commercial products or private organizations.
7. Officials should not use false profiles, aliases or another individual's social media account to post comments or share information.
8. Officials should refrain from using social media accounts to communicate with City employees about City-related matters.

VI. Policy Violations

This policy is not intended to override or bypass any existing processes, policies, or laws applicable to the City Council, or other boards and commissions. Social media activity and conduct by public officials must adhere to the terms of this policy as well as all other relevant processes, policies, and legal requirements.

VII. Policy Updates

The City Council reserves the right to update these terms of use at any time.