

Wichita Falls Police Department Contact Data Report 2022

Prepared by the Wichita Falls Police Department Office of Professional Conduct

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January 28, 2023

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Wichita Falls Police Department’s Annual Biased Based Profiling Report

The following report is for your review only; no further action is required by Council. The analysis of the Wichita Falls Police Department’s statistical report showed the Department, based on the captured data, is in compliance with applicable Texas laws regarding Biased Based (Racial) Profiling. Biased Based Profiling requirements are based on below listed criteria.

1. Contact data- race of individual stopped in a motor vehicle
2. Race of driver identifiable or not identifiable prior to stop
3. Information about searches during motor vehicle stops

The Wichita Falls Police Department has collected motor vehicle stop-based contact data for the purpose of identifying and addressing any potential or perceived concerns regarding biased-based profiling practices among police officers. Our goal is to maintain the confidence and support of our citizens as we fulfill our mission to serve and protect our community.

Wichita Falls Police Department personnel are expected to perform their duties in a proactive manner and to aggressively investigate suspected violations of the law. Officers are also expected to actively enforce local, state, and federal laws in a responsible and professional manner; without regard to race, ethnicity, national origin, gender, sexual orientation or any other identifiable group.

We are certain that the information made available in this report will instill the confidence from our community that their police department serves their needs with fairness and equitable treatment. The positive results of this report will serve as a basis to reinforce our committed relationship with our citizens.

Manuel Borrego
Chief of Police

Mission Statement

Our mission is to provide exceptional police service and protection for our community.

Core Values

Professionalism

Observance of the Law

Loyalty

Integrity

Courage

Equal Treatment

A Look at Wichita Falls' Comprehensive Racial Profiling Dataset

STATISTICAL DATA ON
TRAFFIC STOPS AND
SEARCHES

STATE LAW AND
GUIDELINES ON RACIAL
PROFILING

POLICIES AND TRAINING

COMPLAINT PROCEDURE

CONTACT INFORMATION

Statistical Data
From
Motor Vehicle Stops

Analysis and Interpretation of Data

The data in this report contains information on police/citizen contacts from all motor vehicle traffic stops between January 1, 2022 and December 31, 2022. The information presented is open to multiple interpretations. Although the ACLU recommends that the data be compared to households with access to vehicles, this does not include the commuters from outlying communities or travelers through Wichita Falls. This also does not include commercial vehicles that operate in Wichita Falls on a daily basis.

Part of the data required to be collected are the number of searches conducted on the contacts. This data is then compared by race/ethnicity.

The number of contacts for Blacks, Hispanics/Latinos, and Whites closely parallel to the racial makeup of the population of Wichita Falls. Asian and American Indian contact rates do not appear to be proportional to Black, Hispanic and/or White contact rates. This is due to the number of subjects in these groups being stopped. If, for example, only one person was stopped and arrested from a particular group, the overall statistics would show a one hundred percent arrest rate for that group.

The data also shows that stops were made for violations of the law rather than based on the race or ethnicity of all individuals. During the year there were calls for service and alerts for specific suspects involved in crimes. In these situations the officer is looking for a suspect in a particular crime. Violations might include but are not limited to violations of the Penal Code, DWI, or City Ordinances. In these cases the suspect's race is commonly given to the officer as an identifier and may be used as a factor in the initial stop. This is allowed by law.

Contact Data and Dispositions of Motor Vehicle Stops - 2022

	Contacts		Written Warnings		Citations		Citations and Arrests		Arrests		Race Identifiable Yes		Race identifiable No	
	Count	Percent	Count	Percent	Count	Percent	Count	Percent	Count	Percent	Count	Percent	Count	Percent
Asian	213	1.10%	30	1.03%	183	1.15%	0	0.00%	0	0.00%	2	0.32%	211	1.11%
Black	2,631	13.41%	493	16.94%	2,121	12.70%	16	23.52%	1	8.33%	102	16.58%	2,529	13.31%
Hispanic	3,662	18.67%	497	17.08%	3,147	18.70%	14	20.58%	4	33.33%	90	14.63%	3,572	18.80%
Native American	173	0.88%	26	0.89%	146	0.82%	1	01.47%	0	0.00%	3	0.48%	170	0.89%
White	12,935	65.94%	1863	64.04%	11,028	66.13%	37	54.41%	7	58.33%	418	67.96%	12,517	65.88%
Total*	19,614	100%	2,909	100%	16,625	100%	68	100%	12	100%	615	100%	18,999	100%

Reason for Initial Motor Vehicle Stops - 2022

Reason for Stop	Pre-Existing Knowledge		Non-Moving Traffic Violation		Moving Traffic Violation		Violation of Law	
	Count	Percent	Count	Percent	Count	Percent	Count	Percent
Asian	0	0.00%	9	0.60%	202	1.14%	2	0.59%
Black	47	23.61%	271	18.12%	2,267	12.89%	46	13.64%
Hispanic	51	25.62%	284	18.99%	3,251	18.48%	76	22.55%
Native American	2	01.00%	6	0.40%	163	0.92%	2	0.59%
White	99	49.74%	925	61.87%	11,700	66.54%	211	62.61%
Total*	199	100%	1,495	100%	17,583	100%	337	100%

*Percentages rounded to the nearest hundredth and may not equal 100%

Searches During Stops - 2022

	Contacts		Searches		Consent		Plain View		Probable Cause		Inventory		Incident to Arrest	
	Count	Percent	Count	Percent	Count	Percent	Count	Percent	Count	Percent	Count	Percent	Count	Percent
Asian	213	1.08%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%
Black	2,631	13.41%	99	27.12%	33	30.84%	5	19.23%	40	32.52%	18	21.18%	3	12.50%
Hispanic	3,662	18.67%	86	23.56%	21	19.63%	4	15.38%	38	30.89%	20	23.53%	3	12.50%
Native American	173	0.88%	2	0.55%	1	0.93%	0	0.00%	0	0.00%	1	1.18%	0	0.00%
White	12,935	65.94%	178	48.77%	52	48.60%	17	65.38%	45	36.59%	46	54.12%	18	75.00%
Total*	19,614	100%	365	100%	107	100%	26	100%	123	100%	85	100%	24	100%

Contraband Found During Stops - 2022

	Illegal Drugs		Currency		Firearms/Weapons		Alcohol		Property Stolen		Other	
	Count	Percent	Count	Percent	Count	Percent	Count	Percent	Count	Percent	Count	Percent
Asian	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%
Black	40	33.90%	1	100.00%	2	50.00%	1	14.29%	0	0.00%	6	21.43%
Hispanic	29	24.58%	0	0.00%	2	50.00%	2	28.57%	0	0.00%	2	7.14%
Native American	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	1	3.57%
White	48	41.53%	0	0.00%	0	0.00%	4	57.14%	1	100%	19	67.86%
Total*	117	100%	1	100%	4	100%	7	100%	1	100%	28	100%

**State of Texas
Racial Profiling
Statutes**

Texas Racial Profiling Law

CCP, Title 1, Chapters 2 and 3

In 2001 the Texas Legislature addressed the issue of racial profiling in policing and passed the Texas Racial Profiling Law (SB 1074). This legislation is found in the Texas Code of Criminal Procedure in Chapters 2 and 3. It requires all agencies to collect data on motor vehicle traffic stops, and report the data to TCOLE as well as to their governing body. From the perspective of the bill’s supporters, mandated data collection was not intended to be a solution to racial profiling in Texas but rather a first step in a longer fight. The legislation was intended to provide a strong data-based tool that civil rights organizations could use to effectively advocate for more specific policy responses to racial profiling.

Sandra Bland Act

In 2017, the Texas Legislature passed the Sandra Bland Act (SB 1849). Article 5 of the act amended the existing CCP articles pertaining to racial profiling. The act requires that contact data be collected on every motor vehicle traffic stop. Prior to this act, data was only collected on traffic stops that resulted in a citation or arrest. The act added categories of data to be collected which are: any force used as a result of the stop, location of the stop, and reason for the stop. It also requires further details about any search conducted during the stop. This act was effective January 1, 2019. The data in this report is in compliance with the Sandra Bland Act.

Applicable CCP Articles

- Art. 2.131. RACIAL PROFILING PROHIBITED.
- Art. 2.132. LAW ENFORCEMENT POLICY ON RACIAL PROFILING.
- Art. 2.133. REPORTS REQUIRED FOR MOTOR VEHICLE STOPS.
- Art. 2.134. COMPILATION AND ANALYSIS OF INFORMATION COLLECTED.
- Art. 2.135. PARTIAL EXEMPTION FOR AGENCIES USING VIDEO AND AUDIO EQUIPMENT. (REPEALED IN SANDRA BLAND ACT OF 2017)
- Art. 3.05. RACIAL PROFILING DEFINED

Complaints Alleging Racism, Discrimination or Harassment During Motor Vehicle Stops

The Texas Code of Criminal Procedure 2.134(c)(2) requires that this report include information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

DEFINITION: C.C.P. 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.

There was one complaint filed on a Wichita Falls Police Department officer during the time period January 1, 2022 – December 31, 2022 for an alleged violation(s) of Texas Racial Profiling statutes.

RACIAL PROFILING COMPLAINT

Summary: A B/M filed a complaint regarding a traffic stop that resulted in his arrest, stating, “I believe this is racially based and I was targeted because I was a black male coming out of a bad neighborhood.”. An investigation into the incident was conducted by the Commander of the officers involved in the complaint. The complainant was observed at a location being watched by local authorities due to complaints of narcotics activity. An unmarked police surveillance unit observed the complainant make a traffic violation after leaving the surveilled location and that information was radioed to a marked police unit who stopped the complainant. During the stop officers detected the smell of marijuana as they spoke to the complainant. A search of the complainant’s vehicle yielded THC vaping oils. The reason for the stop was found to be based on the complainant’s driving behavior and violation of traffic law. There was no evidence indicating the complainant was stopped based on race.

NOTE: This office did receive a second unfounded complaint alleging “Profiling” by the department. An anonymous person telephoned about wanting to file a report of profiling by the department. The caller stated that he was stopped for speeding on the highway while coming through town and believes the true motive for the officer’s stop was due to anonymous having Colorado license plates on his vehicle. The description of the stop was inconsistent with this department’s jurisdiction and the uniforms worn by WFPD officers. Further information by the caller revealed that the stop actually occurred in Pampa Texas. When I explained to the caller that he/she would need to contact that agency directly, the caller abruptly hung up.

Since this complaint did not involve this agency or appear to be regarding “racial” profiling, it’s not reportable under Art 2.134 however, it is documented in this report for transparency purposes.

Code of Criminal Procedure Requirements

According to Article 2.132, CCP, each law enforcement agency in the state shall adopt a detailed written policy on racial profiling. The policy must:

- Clearly define acts constituting racial profiling.
- Strictly prohibit peace officers employed by the agency from engaging in racial profiling.
- 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.
- Provide public education relating to the agency's complaint process.
- 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.
- Require a collection of information relating to all motor vehicle stops, including information relating to: the gender and race or ethnicity of the individual detained; whether a search was conducted and the basis of the search; whether contraband was found, and if so, what type of contraband.
- 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 above.
- If a law enforcement agency installs video or audio equipment, the policy must include standards for reviewing video and audio documentation.

Code of Criminal Procedure Definitions

Art. 2.132 "Motor vehicle stop" means an occasion in which a peace officer stops a motor vehicle for an alleged violation of a law or ordinance.

"Race or ethnicity" means of a particular descent, including White, Black, Hispanic/Latino, Asian/Pacific Islander, or American Indian.

Art. 3.05 "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.

Links

The links listed below are for your convenience to review the pages of the Texas Code of Criminal Procedure that pertains to racial profiling rules and reporting requirements:

<http://www.statutes.legis.state.tx.us/Docs/CR/htm/CR.2.htm#2.131>

<http://www.statutes.legis.state.tx.us/Docs/CR/htm/CR.3.htm#3.05>

<https://capitol.texas.gov/tlodocs/85R/billtext/pdf/SB01849L.pdf>

<https://www.tcole.texas.gov/content/racial-profiling-reports>

Texas Police Chiefs Association

Law Enforcement Recognition Program

In 2011 the Wichita Falls Police Department began the voluntary process of instituting the best practices guidelines set forth by TPCA, commonly known as “Texas Best.” The Texas Legislature demands a great deal of professional law enforcement in Texas and the Best Practices were specifically designed to aid Texas agencies in meeting those demands and providing the best quality of service possible. The Texas Best guidelines meet or exceed all of the requirements listed under Article 2.132, CCP. Compliance with these guidelines are mandated under WFPD General Order No. 100.059, effective October 7, 2011.

These guidelines expanded the definition of Racial Profiling, also referred to as Bias-Based Profiling. The Texas Best definition is: law enforcement initiated action based on an individual’s race, national origin, or ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group rather than on the individual’s behavior or on information identifying the individual as having engaged in criminal activity.

The Wichita Falls Police Department was originally “Recognized” in 2012 and “Re-Recognized” in 2017. The Department was inspected by assessors from the Texas Police Chief’s Recognition Program in May of 2021. On 06/11/2021 the Department was notified that it had received “Re-Recognition” status for the second time since becoming recognized in 2012.

Wichita Falls Police Department General Orders

The Wichita Falls Police Department has developed General Orders to ensure compliance with all laws of the State of Texas regarding Biased Based (Racial) Profiling, and with Texas Best guidelines.

General Order 100.059 Biased Based Profiling (Racial Profiling)

The purpose of this policy is to reaffirm the Wichita Falls Police Department's commitment to unbiased policing in all its encounters between officers and any person; to reinforce procedures that serve to ensure public confidence and mutual trust through the provision of services in a fair and equitable fashion; and to protect our officers from unwarranted accusations of misconduct when they act within the dictates of departmental policy and the law. This General Order puts the Department in compliance with CCP Art. 2.132. It was updated in 2017 to be in accord with the Sandra Bland Act.

General Order 103.002 Citizen Complaints, Office of Professional Conduct

The purpose of this order is to implement a process by which an individual may file a complaint with the Wichita Falls Police Department if the individual believes that an officer employed by the agency has engaged in racial profiling. This order requires that information about filing a complaint and the means to do so are readily accessible to the public at all times, and that all complaints are treated seriously.

General Order 200.054 Mobile Video and Digital Audio Recording Equipment

One of the primary purposes of this order is to establish procedures to properly maintain and review audio/video recordings of motor vehicle stops made by Wichita Falls Police Officers to ensure that biased based profiling is not occurring. Patrol shift commanders are responsible for seeing that supervisors review audio and video recordings in compliance with this policy. Due to the large amount of documentation created from these reviews, this documentation is not included in this report.

General Order No. 105.002 Training

One of the purposes of this policy is to ensure that all department employees receive training that conforms to TCOLE standards. TCOLE established a statewide comprehensive education and training program on racial profiling for licensed peace officers. All officers are required to complete this program not later than the second anniversary of the date the officer is licensed or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier. All sworn officers who graduated from the Wichita Falls Police Department Academy prior to 2001 attended the Racial Profiling course between 2001 and 2005. The officers that graduated from the Police Academy after 2001 attended the course while in the academy. This State-Mandated course, per Legislative Mandate 77R-SB1074, provides officers with the knowledge to detect and prevent racially-motivated actions during traffic stops, searches, and arrests. ... This course meets Texas Commission on Law Enforcement (TCOLE) requirements Racial Profiling Course #3256.

Filing a Complaint if Racial Profiling Occurs

Police Officers are granted a public trust that requires that they consistently demonstrate the highest degree of integrity. With this in mind, the Wichita Falls Police Department has established a Code of Conduct which sets forth the standards requiring officers to maintain a high level of personal and official behavior in order to command the respect and confidence of the public.

When members of the public believe that a police officer has engaged in misconduct, to include a violation of the racial profiling laws, they may report this misconduct to the Police Department's Office of Professional Conduct (OPC). The Sandra Bland Act requires officers to provide citizens with information on how to file a complaint on every motor vehicle stop. This is accomplished by including the physical address, phone number, and email address of OPC on each written warning or citation.

There are several ways a complaint can be filed:

1. A Report of Service form can be obtained at the front desk of the Police Department, or on the City of Wichita Falls website. The Report of Service form can be found online here: <http://www.wichitafallstx.gov/documentcenter/view/4644>. The completed form may be submitted to the front desk or mailed to: 610 Holliday, Wichita Falls, TX, 76301.
2. A concern about employee conduct can be submitted online through the City of Wichita Falls website. Follow this link: <https://clients.comcate.com/newrequest.php?id=34#>
3. Speak to a Shift Supervisor by calling (940) 720-5000,
4. Call the Office of Professional Conduct at (940) 761-7723,
5. Email the Office of Professional Conduct at OPC@wfpd.net

The Report of Service form must be completed and returned to the Police Department either by mail or by returning it to the front desk of the Police Department. A signature is required to file a formal complaint so the complainant will be asked to sign their form if they have not already done so.

The function of the OPC division of the Wichita Falls Police Department is to investigate alleged violations of the departmental policies and procedures by members of the Department. The complaints will either be investigated internally by the OPC Commander or assigned directly to the employee's Commander. Find more information at: <http://www.wichitafallstx.gov/1360/Office-of-Professional-Conduct>

The OPC division conducts only administrative investigations and any statements taken, or allegation made in that office will have no effect on any criminal proceedings pending against the complainant. The OPC division does not investigate criminal allegations.

The complete investigation and final disposition of a case is all handled within the Police Department. All information obtained and found during the course of the investigation is kept confidential to the extent allowed by law.



Manuel Borrego, Chief of Police

12/28/2022

Mr. **** *
611 ***** Ave
Wichita Falls, Tx 76301

Dear Mr. *****

The investigation into the Report of Service filed by you has been completed.

The Wichita Falls Police Department handles all feedback by citizens, with utmost consideration. We have concluded the review of your Report of Service regarding this department. Your cooperation with this investigation is greatly appreciated. The Department will be taking appropriate action if any are warranted by the findings of the investigation.

Should you have questions concerning this investigation, please feel free to contact me at (940) 720-5000.

Lt Joseph Puddu
Office of Professional Conduct