

**NOTICE OF REGULAR MEETING OF THE GOVERNING BODY
OF THE CITY OF LAMPASAS, TEXAS
CALVERT MUNICIPAL BUILDING
CITY COUNCIL CHAMBERS
302 E THIRD STREET
Monday, February 14, 2022
5:30 p.m. Workshop Session
6:00 p.m. Regular Session**

Notice is hereby given that a regular meeting of the City Council of the City of Lampasas, Texas will be held on Monday, February 14, 2022 in the Calvert Municipal Building located at 302 E Third Street, Lampasas, Texas. The City Council of Lampasas, Texas reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed, as authorized by the Texas Government Code sections 551.071 (consultation with attorney), 551.072 (deliberations about real property), 551.073 (deliberations about gifts and donations), 551.074 (personnel matters), 551.076 (deliberations about security devices), 551.087 (economic development), and Section 551.086 (Relating to the authority of public power utility governing bodies to deliberate regarding competitive matters).

WORKSHOP SESSION

1. Call to order Workshop Session
2. Discussion and updates related to COVID-19 Pandemic. *(pgs.5-6)*
3. Discussion regarding Rainwater Collection System at Campbell Park. *(pgs.7-8)*
4. Discussion and updates regarding Certificate of Obligation timeline and potential projects. *(pgs. 9-10)*
5. Discussion and update regarding LEDC Business Park Roadway and Utility Improvements Phase 1 Base Bid and Add Alternate 1. *(pgs. 11-14)*
6. Discussion regarding field and drainage upgrades to Turner Baseball Fields. *(pgs. 15-18)*
7. Discussion and debrief relating to Council Work Session held on February 7, 2022. *(pgs. 19-20)*
8. Discussion regarding any item on the regular agenda
9. Adjourn Workshop Session

REGULAR SESSION

ANNOUNCEMENTS

- A. Call to Order
- B. Invocation and Pledge of Allegiance
- C. Presentations and Proclamations
 - Council Annual Presentation
 - Service Awards
 - Mandy Walsh- 5 years
 - Felecia Vallejo- 10 years

	PUBLIC HEARINGS/CITIZEN COMMENTS	PAGES
1.1	Citizen comments – Any citizen who desires to address the City Council on a matter not included on the Agenda may do so at this time. The City Council may not deliberate on items presented under this Agenda Item.	N/A

1.2	Citizen comments- Any citizen who desires to address the City Council on a matter that is included on the Agenda may do so at this time.	N/A
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2.0	MINUTES	PAGES
2.1	Discussion and possible action concerning approval of minutes of the Regular Meeting held on January 24, 2022	21-28
2.2	Discussion and possible action concerning approval of minutes of the City Council Work Session held on February 7, 2022.	29-32

3.0	CONSENT AGENDA	PAGES
3.1	Discussion and possible action regarding the second reading of an Ordinance calling for a General Election to elect the expired terms of the Council Members Places Three, Four and Five for the City Council of the City of Lampasas, Texas to be held on the 7 th day of May, 2022; Providing for polling times and places; Providing for Early Voting; and Providing for Bilingual Election materials	33-36
3.2	Discussion and possible action regarding purchases and charges in excess of \$4,000 from January 1, 2022- January 31, 2022	37-44
3.3	Discussion and possible action regarding December 2021 Investment Report	45-64

4.0	BOARDS/DEPARTMENT REPORTS	PAGES
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5.0	ROUTINE MATTERS	PAGES
5.1	CITY MANAGER'S OPERATIONAL REPORT <ul style="list-style-type: none"> • CIP • Ice Storm • Skate Park • Highway Designations • Inmate Van • Sales Tax • Sewer Interceptor • Hanna Springs • Pressure Plane • Planning Commission 	65-72
5.2	MAYOR'S COMMENTS	N/A

6.0	UNFINISHED BUSINESS	N/A
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7.0	NEW BUSINESS	PAGES
7.1	Discussion and possible action regarding a Resolution amending authorized signators for Austin Capital Bank, SSB.	73-74
7.2	Discussion and presentation of the Lampasas Police Department 2021 Annual Racial Profiling Report.	75-252
7.3	Discussion and possible action to issue Order of Election for Municipalities for the May 7, 2022 General Election.	253-254
7.4	Discussion and possible action regarding a Veteran's Run and Walk on Saturday November 5, 2022 starting at 6:30 a.m. and ending at 10:00 a.m.	255-260

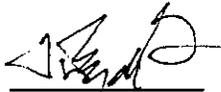
7.5	Discussion and possible action regarding the 3 rd Street Roadway Improvement Project, as it relates to Change Order No. 1. For additional ADA accessibility ramps and other subsidiary work in an amount not to exceed \$80,000.00	261-266
7.6	Discussion and possible action concerning a request from the Kiwanis Club for approval of a license application to operate a Circus within the city limits of the City of Lampasas and to grant a waiver for operations near schools, churches, and private residence.	267-274
7.7	Discussion and possible action regarding Rainwater Collection System at Campbell Park	275-276
7.8	Discussion and possible action regarding LEDC Business Park Roadway and Utility Improvements Phase 1 Base Bid and Add Alternate 1; financial participation in City infrastructure.	277-278
7.9	Discussion and possible action regarding field and drainage upgrades to Turner Baseball Fields in an amount not to exceed \$58,150.00	279-280

Adjourn

I, Becky Sims, City Secretary of the City of Lampasas, Texas, do hereby certify that this Notice of Meeting was posted on the bulletin board/front window of City Hall, 312 East Third Street, Lampasas, Texas, at a place readily accessible to the general public at all times, on the 11 day of February 2022 at 4:25pm

Becky Sims
Becky Sims, City Secretary

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City Manager

ITEM NO. WORKSHOP-2

**BUSINESS FOR THE CITY COUNCIL
OF THE
CITY OF LAMPASAS**

Subject:

Discussion and updates regarding COVID-19 Pandemic

Requested By: Finley deGraffenried, City Manager

Submitted By: Jeff Smith, Fire Chief

Date Submitted: February 10, 2022

For the Agenda of: February 14, 2022

Procurement and Funding Statement:

Attachments:

Summary Statement:

This item is placed on the Workshop Agenda to provide updates and discussion regarding reporting for COVID-19.

Recommendation:

Discussion, updates and direction from Council

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City Manager

ITEM NO. WORKSHOP-3

**BUSINESS FOR THE CITY COUNCIL
OF THE
CITY OF LAMPASAS**

Subject:

Discussion regarding Rainwater Collection System at Campbell Park

Requested By: Finley deGraffenried, City Manager

Submitted By: Finley deGraffenried, City Manager

Date Submitted: February 10, 2022

For the Agenda of: February 14, 2022

Procurement and Funding Statement:

Approval for amount up to \$200,000.00 granted by City Council October 2021.

Attachments: Proposals

Summary Statement:

In October 2021 Council approved the base pricing and design with options for the Campbell Park Pavilion in an amount not to exceed \$200,000.00. At that time Council did not feel it was the right time to proceed with the Rainwater Catchment System. Mr. McDonald anticipates having an updated proposal to install the system at Monday's meeting. This agenda item has been placed on the workshop at the request of Council member Clark.

Recommendation:

Discussion Only

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City Manager

ITEM NO. WORKSHOP-4

**BUSINESS FOR THE CITY COUNCIL
OF THE
CITY OF LAMPASAS**

Subject:

Discussion and updates regarding Certificate of Obligation timeline and potential projects.

Requested By: Finley deGraffenried, City Manager

Submitted By: Finley deGraffenried, City Manager

Date Submitted: February 10, 2022

For the Agenda of: February 14, 2022

Procurement and Funding Statement:

Attachments:

Summary Statement:

This item has been placed on the Workshop agenda to allow further discussion and input on projects and potential Certificate of Obligation funding. During the February Work Session Bond Counsel reviewed the process and timing of bond issuance, as well as conditional projects. As follow-up Staff discussed the questions and concerns of Council related to the timing and possible fluctuations in the interest market. To that end, Specialized Public Finance, has offered the attached timeline for Council consideration; and will attend the February 28, 2022 meeting to answer questions. Staff will also prepare an updated list of potential projects to accompany the meeting materials.

Recommendation:

Discussion and direction only



City of Lampasas, Texas Summary Timetable for Issuance of Combination of Tax & Revenue Certificates of Obligation, Series 2022

- | | |
|-----------------------------|---|
| *Monday, February 28, 2022* | <ul style="list-style-type: none">• City Council adopts a resolution directing publication of notice of the City's intention to issues Certificates of Obligation (COs).• City Council directs financial advisor (FA) to prepare offering documents for COs. |
| Week of March 6, 2022 | <ul style="list-style-type: none">• First publication of notice of the City's intention to issue COs (must be at least 46 days prior to award – no later than March 10.) |
| Tuesday, March 8, 2022 | <ul style="list-style-type: none">• Preliminary Official Statement (POS) is circulated by FA for comments. |
| Week of March 13, 2022 | <ul style="list-style-type: none">• Second publication of notice of the City's intention to issue COs. |
| Week of March 20, 2022 | <ul style="list-style-type: none">• Rating agency call with City. |
| Friday, April 15, 2022 | <ul style="list-style-type: none">• Ratings are received. |
| Monday, April 18, 2022 | <ul style="list-style-type: none">• Preliminary Official Statement is electronically distributed by FA. |
| * Monday, April 25, 2022 * | <ul style="list-style-type: none">• COs are priced by financial advisor through competitive sale.• Award. COs are awarded by City Council to underwriter(s). |
| Thursday, May 19, 2022 | <ul style="list-style-type: none">• Closing. COs are delivered and proceeds received by City. |

* Requires Official Council Meeting.



City Manager

ITEM NO. WORKSHOP-5

**BUSINESS FOR THE CITY COUNCIL
OF THE
CITY OF LAMPASAS**

Subject:

Discussion and update regarding Lampasas Economic Development Corporation (LEDC) Business Park Roadway and Utility Improvements Phase 1 Base Bid and Add Alternate 1.

Requested By: Finley deGraffenried, City Manager

Submitted By: Finley deGraffenried, City Manager

Date Submitted: February 10, 2022

For the Agenda of: February 14, 2022

Procurement and Funding Statement:

Recovery Act Funding

Attachments: Site Exhibit

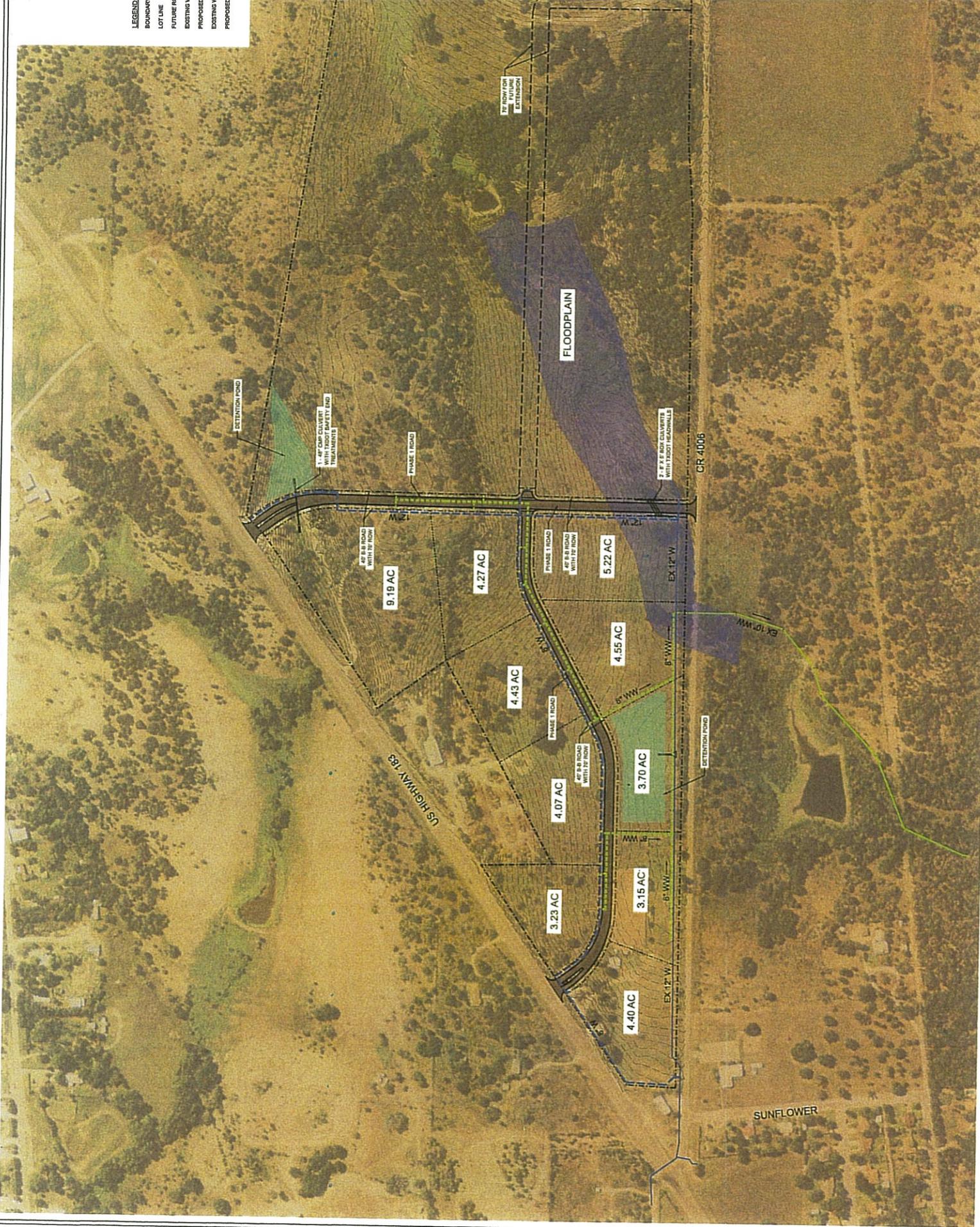
Summary Statement:

This item is placed on the Workshop agenda to allow discussion on bids received, and scope, of Road, Water, Wastewater, and Drainage Improvements to the LEDC owned Business Park. Council, by Resolution, approved the project and supported LEDC securing of funds. With the inclusion of Alternate 1 to Phase 1, the project bids increased to \$2,747,544.50 (\$2,136,657.50 base bid, \$610,887.00 alternate) The EDC now seeks Council input and possible support for financial assistance for infrastructure costs that can be expensed through the American Recovery Act Fund. LEDC representatives will be in attendance to discuss the project with Council. Completion of the project, to include Alternate 1 would provide approximately 20 additional acres of buildable site.

Recommendation:

Discussion and direction only

- LEGEND
- BOUNDARY
- LOT LINE
- FUTURE R
- EXISTING Y
- PROPOSEE
- EXISTING Y
- PROPOSEE



35 -CARES ACT 2021

ACCT#	ACCOUNT NAME		
ASSETS			
=====			
1030	CLAIM ON CASH	989,990.66	
1260	DUE FROM OTHER FUNDS	<u>0.00</u>	
	TOTAL ASSETS		<u>989,990.66</u>
=====			
LIABILITIES & FUND BALANCE			
=====			
2220	ACCOUNTS PAYABLE - PENDING	0.00	
2310	RETAINAGE PAYALBE	0.00	
2410	DUE TO GENERAL	0.00	
3010	FUND BALANCE	989,322.27	
	CURRENT INCREASE / (DECREASE) IN FUND BALANCE	<u>668.39</u>	
	TOTAL LIABILITIES & FUND EQUITY		<u>989,990.66</u>
=====			

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City ManagerITEM NO. WORKSHOP-6

**BUSINESS FOR THE CITY COUNCIL
OF THE
CITY OF LAMPASAS**

Subject:

Discussion regarding field and drainage upgrades to Turner Baseball Fields.

Requested By: Finley deGraffenried, City Manager

Submitted By: Finley deGraffenried, City Manager

Date Submitted: February 10, 2022

For the Agenda of: February 14, 2022

Procurement and Funding Statement:

If approved, the Budget could be amended with use of Fund 68 (2016 CO), current balance is \$144,792.81

Attachments: Field Improvement Proposal

Summary Statement:

Chris Harrison, President of the Lampasas Little League Association, has requested Council, and Park and Recreation Advisory Board, to consider the attached proposal for infield and drainage improvements at the Turner Field Complex. Mr. Harrison reviewed the needs and proposal with Staff, Park Board members and the Mayor. The improvements lie outside the City's equipment resources and ability. Funding for this project (\$58,150.00) could be provided by the balance in Fund 68 (2016 CO).

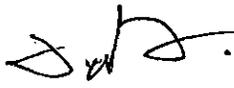
Recommendation:

Discussion Only

CITY OF LAMPASAS
BALANCE SHEET
AS OF: JANUARY 31ST, 2022

68 -2016 C.O. CAPITAL FUND

ACCT#	ACCOUNT NAME		
ASSETS			
=====			
1030	CLAIM ON CASH	(1,730.00)	
1033	COI TEXPOOL PRIME DESIG CAP	144,792.81	
1260	DUE FROM OTHER FUNDS	<u>452,142.82</u>	
	TOTAL ASSETS		<u>595,205.63</u>
=====			
LIABILITIES & FUND BALANCE			
=====			
2220	ACCOUNTS PAYABLE - PENDING	0.00	
2310	RETAINAGE PAYABLE	0.00	
2410	DUE TO GENERAL	0.00	
3010	COMMITTED FUND BALANCE	595,179.06	
	CURRENT INCREASE / (DECREASE) IN FUND BALANCE	<u>26.57</u>	
	TOTAL LIABILITIES & FUND EQUITY		<u>595,205.63</u>
=====			



City Manager

ITEM NO. WORKSHOP-7

**BUSINESS FOR THE CITY COUNCIL
OF THE
CITY OF LAMPASAS**

Subject:

Discussion and debrief relating to Council Work Session held on February 7, 2022

Requested By: Finley deGraffenried, City Manager

Submitted By: Finley deGraffenried, City Manager

Date Submitted: February 10, 2022

For the Agenda of: February 14, 2022

Procurement and Funding Statement:

Attachments:

Summary Statement:

This item has been placed on the Workshop agenda to provide Council the opportunity to discuss items related to the February 7, 2022 Council Work Session.

Recommendation:

Discussion and direction only

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**MINUTES OF REGULAR MEETING OF THE GOVERNING BODY
OF THE CITY OF LAMPASAS, TEXAS
CALVERT MUNICIPAL BUILDING
CITY COUNCIL CHAMBERS
302 E THIRD STREET
Monday, January 24, 2022
5:30 p.m. Workshop Session
6:00 p.m. Regular Session**

The City Council of the City of Lampasas met in Regular Session on the above date and time with Council Member Kuehne presiding.

Council Members Present:

Herb Pearce
Randy Clark
Bob Goodart
Zachary Morris

Council Members Absent

Mayor TJ Monroe
Chuck Williamson

City Staff Present:

Finley deGraffenried, City Manager
Ryan Ward, ACM
Monica Wright, IT Director
Becky Sims, City Secretary
Yvonne Moreno, Finance Director
Jody Cummings, Assistant Police Chief
Jeffry Smith, Fire Chief
Flint Geagley, Electric Superintendent

WORKSHOP SESSION

1. Call to order Workshop Session

Per Section II Meeting Rules and Procedures of the City Council Governance Policy, in the absence of both the Mayor and the Mayor Pro Tem, the meeting shall be called to order by the City Manager or City Secretary, and a temporary Chairperson shall be elected by Council members present.

City Manager deGraffenried called the meeting to order at 5:30 p.m. He asked for nominations on whom to conduct the meeting, then Council will vote by show of hands.

Council member Clark nominated Cathy Kuehne, Council member Morris nominated Herb Pearce. By show of hands, Council member Clark, Goodart & Kuehne voted for Council member Kuehne to conduct the meeting as temporary chair.

2. Discussion and updates related to COVID-19 Pandemic

Chief Smith provided the following updates:

- Total COVID-19 Cases to Date- 4,978,176.
- Total Fatalities across the State- 76,904.
- Hospitalizations across the State- 13,001.
- Lampasas County Total Cases to Date- 3,336
- Lampasas County Fatalities- 73
- Hospitalizations in Trauma Service Area L- 223
 - 162- hospitalized adults
 - 45- adults in ICU
 - 16- patents on ventilator
 - 16- Pediatric Cases

Lampasas County (76550 Only)

- At least one shot- 6,175
- Fully vaccinated- 5,386
- Booster- 3,353

3. Discussion regarding Council Work Session Agenda.

Finley deGraffenried, City Manager presented Council with the agreed upon date of February 7, 2022 to conduct the next round table session. Mr. deGraffenried provided Council the opportunity to review the draft agenda and add any additional items for discussion. Staff has added funding options; our financial advisor, Jennifer Ritter is not available however, Bart Fowler, Bond Counsel will be in attendance. Also, on the agenda is the Comprehensive Plan. Council member Clark inquired about the pre-treatment study, the pre-treatment study has been completed as previously communicated; however, the proposal for design and construction administration has not been received. Council member Clark inquired about the Skate Park. The kick off meeting is scheduled for January 25, 2022. SPA Skateparks will meet with the public and stakeholders prior to presenting a conceptual plan to Council to ensure it meets the needs of the community.

- 4. Discussion regarding FY 2021 year-end Financial Report presented to Council at the January 10, 2022 Council Meeting.

Council was given the opportunity to ask any additional questions prior to acknowledgment of year-end financial report during the regular session. At this time Council had no questions about the report.

- 6. Discussion regarding any item on the regular agenda

There was no discussion regarding items on the regular agenda.

- 7. Adjourn Workshop Session

Without objection Council member Kuehne went directly into Regular Session at 5:50 p.m.

REGULAR SESSION

ANNOUNCEMENTS

- A. Call to Order

Council member Kuehne called the meeting to order at 5:50 p.m.

- B. Invocation and Pledge of Allegiance

Jody Cummings, Assistant Police Chief, gave the invocation and the Pledge of Allegiance to the U.S. and Texas flags were recited.

- C. Presentations and Proclamations

PUBLIC HEARINGS/CITIZEN COMMENTS	
1.1	Citizen comments – Any citizen who desires to address the City Council on a matter not included on the Agenda may do so at this time. The City Council may not deliberate on items presented under this Agenda Item.

There were no citizen comments

1.2	Citizen comments- Any citizen who desires to address the City Council on a matter that is included on the Agenda may do so at this time.
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There were no citizen comments

2.0	MINUTES
2.1	Discussion and possible action concerning the approval of minutes of the Regular Meeting held on January 10, 2022.

Council member Goodart moved to approve the minutes as presented, the motion was seconded by Council member Pearce, with Council member Clark abstaining the motion carried (Monroe & Williamson absent)

3.0	CONSENT AGENDA
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4.0	BOARDS/DEPARTMENT REPORTS
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Yvonne Moreno, Finance Director presented the Utility Billing and Collections

- Bessie White, Finance 7 years
- Felecia Vallejo, Utilities 10 years
- Mary Garcia, Utilities 4 years
- Pamela Torrez, Utilities 2 years
- Heather Mc Donald, Utilities 10 months
- Robyn White, Utilities 5 months
- Tom Zimpel, Meter Technician 11 years
- Jr. Spivey, Meter Technician 10 years (May)

MONEY COLLECTED

- Utility Billing
 - Web Payments
- Library collects, staff counts, inputs, and processes deposit.
- Golf Course collects, staff counts, inputs, and processes deposit.
- Hanna Pool collects, staff counts, inputs, and processes deposit.
- Hancock Pool collects, staff counts, inputs, and processes deposit.
- Citizen Collection Station collects, staff processes payments and deposit.
- Animal Shelter collects, staff processes payments and deposit.
- Airport Fuel, paid by credit card, staff processes payments.
- Parks/Parks Facilities Department, fees paid at City Hall.
- Online Building Permits, staff processes payment.
- Cemetery payments made at City Hall.
- Fire Dept. payments processed at City Hall.
- Court collects, staff processes deposit.
 - Web Payments
- *Processed 48,260 Receipts*

UTILITY BILLING

- Three Cycles
 - Due on the 5th, 15th and 25th
 - Two (2) Residential Cycles, 1 Commercial Cycle
 - Print and mail Late notices – due 10 days past due date

- Door tags, then disconnection
- Figure sewer rates on annual basis using Winter Averaging
- **Day to Day Operations:**
- Process NSF Checks
- Process Refund Checks
- Process Solar Read Credits
- Work with Hill Country Community Action regarding pledges
- Set up all utility accounts and process work orders
- Set up bank drafts on accounts
- Daily deposits
- Prepare Adjustments to accounts as needed
- Customer Service in person and over the phone
- Record payments, Cash, Check, Money Order, Credit Cards
- Count and process cash drawers daily

Number of Customers:

Water 3,591

Electric 5,043

Wastewater 2,869

Residential Garbage 2,730

WORK ORDERS

Turn on service	442 work orders
Disconnect service	422 work orders
Read In/Read Out	406 work orders
Service Change	90 work orders
Miscellaneous	70 work orders

FINANCE

Annual Budget – Property Tax Calculations, Notifications
 Annual TML Workers Comp Audit
 941 Employers Tax – Quarterly
 Record Fixed Assets – Annual Depreciation Schedules
 Accounts Receivable
 Prepare Journal Entries
 Accounts Payable – Processed 4,421 checks
 Payroll – Bi-Weekly
 Process Insurance Payments (Health, Vision/Dental, TMRS, Life) Monthly
 Process Longevity Checks Monthly
 Bank Reconciliations Monthly
 Large Cash/Concentration done daily
 Airport Fuel Reconcile Monthly
 Purchase Orders, review and send to departments
 Investments
 Record Sales Tax Receipts
 Report/Pay monthly sales tax owed to the State

- Close out books and install new budgets

FUTURE GOALS

- Update Utility Policy
- Update Cash Policy

- Continue in compliance with Card Readers
- Cross train all utility positions
- Utilize training opportunities
- Continue meter change out program for both electric and water
- Continue to provide excellent customer service to all of our citizens

	ROUTINE MATTERS
5.1	City Manager’s Operational Report

City Manager deGraffenried reviewed his report:

- Auditors** Yvonne reports the auditors will be in town starting the week of January 24th. She is currently assembling 24 sets of requested financial documents for their sampling and review. Staff anticipates the auditors will be in City Hall for two weeks, with the Audit delivered by the end of March. In previous years, the Audit has been reviewed by an ad hoc Audit Committee prior to placement on the Council agenda for formal acceptance.
- LEDC** The LEDC Board met on January 19th to review financials, progress of the Business Park, and digital and print marketing programs. The Board, by consensus, preferred a financial report incorporating a 36-month trend for both financial statements and cash balances. Bid opening for the Business Park phase 1 improvements, including road, utility and drainage, has been re-scheduled for January 25th due to needed clarification on road stabilization. A representative from FlyerView also discussed print and digital marketing and mapping that could provide data to prospects related to site availability, zoning and other property attributes. Staff is also currently reviewing the digital mapping program for possible benefits to the City and our Public Works.
- Eclipse** A community and stakeholder eclipse meeting was held on January 13th with approximately 30 people in attendance. Discussion included potential impacts, attendance, needed services, and promotion of the April 8, 2024 event. An initial task force has been formed and includes public safety officials, economic development liaisons, and organization representatives. The next community meeting is tentatively planned for August, 2022.
- Mill Street** As referenced in previous meetings, staff has received conceptual plans for a 177 lot, 48-acre development off of Mill Street, adjacent to the City yard. No formal submittal for action has been received, however; staff, including public works, zoning and fire have started a preliminary review.
- Website** Monica and Mandy continue their work on the website redesign. Staff is currently reviewing the design mood board, including colors, format and layout. Once approved the contractor will submit the final design format and begin to migrate content for City review and approval. The go-live date is targeted for April, 2022.
- Campbell Park** Council may have noticed excavation for the pavilion has begun and compacted select fill will be installed beginning next week. Red iron is on-site with sheet material expected within the next two weeks. As a reminder, based on Council discussion, staff has not incorporated the rain water collection in the project. Staff will also be

scheduling a kick-off meeting with the skate park contractor to review the project timeline and initiate the public participation component.

Hostess House

Antonio Naylor, Reliance Architecture, reports that geo-technical report has been completed and received, and his structural team will conduct some additional on-site investigation during January. The structural remediation is tracking to be bid by the end of February.

5.2	MAYOR'S COMMENTS
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6.0	UNFINISHED BUSINESS
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There was no unfinished business.

7.0	NEW BUSINESS
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7.1	Discussion and possible action regarding an Ordinance calling for a General Election to elect the expired terms of the Council Members Places Three, Four and Five for the City Council of the City of Lampasas, Texas to be held on the 7 th day of May, 2022; Providing for polling times and places; Providing for Early Voting; and Providing for Bilingual Election materials
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Council member Morris moved to approve the first reading of an Ordinance calling for a General Election to elect the expired terms of the Council Members Places Three, Four and Five for the City Council of the City of Lampasas, Texas to be held on the 7th day of May, 2022; Providing for polling times and places; Providing for Early Voting; and Providing for Bilingual Election materials, the motion was seconded by Council member Clark and with a unanimous vote, the motion carried (Monroe and Williamson absent)

7.2	Discuss and consider acknowledgement of the FY 2021 year-end Financial Report
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Council member Clark moved to acknowledge the FY 2021 year-end Financial Report, the motion was seconded Council member Goodart and with a unanimous vote, the motion carried. (Monroe and Williamson absent)

7.3	Discussion and appointment of board member to the Library Advisory Board.
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Council member Morris moved to appoint Kristin Gerety to the Library Advisory Board, the motion was seconded by Council member Pearce and with a unanimous vote, the motion carried (Monroe and Williamson absent)

7.4	Discussion and possible action regarding engagement of Schneider Engineering for Lampasas Substation House Upgrade in the amount of \$59,700.00
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Council member Clark moved to approve engagement of Schneider Engineering for relocation of City equipment at the Lampasas Substation in the amount of \$59,700.00; the motion was seconded by Council member Goodart and with a unanimous vote, the motion carried. (Monroe and Williamson absent)

7.5	Discussion and possible action regarding approval to purchase the FCS (Field Collection System) program in the amount of \$9,964.89 for the continuation of maintenance on the Itron handheld meter reading devices for reading water and electric meters.
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Council member Clark moved to approve the purchase the FCS (Field Collection System) program in the amount of \$9,964.89 for the continuation of maintenance on the Itron handheld meter reading devices for reading water and electric meters, the motion was seconded by Council member Goodart and with a unanimous vote, the motion carried. (Monroe and Williamson absent)

7.6	Discussion and possible action regarding membership and a resolution to participate in the Texas SmartBuy Membership Program of the Texas Comptrollers of Public Accounts
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Council member Goodart moved to approve a Resolution to participate in the Texas SmartBuy Membership Program of the Texas Comptrollers of Public Accounts, the motion was seconded by Council member Pearce and with a unanimous vote, the motion carried. (Monroe and Williamson absent)

7.7	Discuss and consider a Resolution by the City Council nominating candidate for election to the Board of Directors of Central Texas Water Supply Corporation
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Council member Clark moved to nominate Finley deGraffenried to the Board of Directors of Central Texas Water Supply Corporation, the motion was seconded by Council member Morris and with a unanimous vote, the motion carried. (Monroe and Williamson absent).

ADJOURN

Council member Morris moved to adjourn the meeting at 6:20 p.m., the motion was seconded by Council member Clark and with a unanimous vote, the motion carried. (Monroe and Williamson absent)

PASSED AND APPROVED this _____ day of _____, 2022.

Cathy Kuehne, Council Member

ATTEST:

Becky Sims, City Secretary

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Minutes of the 2022 City Council Planning Session of the
Governing Body of the City of Lampasas that was held
Monday, February 7, 2022 at 4:00 p.m.
Jack Calvert Municipal Building
302 E Third Street
Lampasas, Texas 76550

I. Call to order

Mayor Monroe called the meeting to order at 4:00 p.m.

II. Welcome and Review Objectives, Expectations and Format of Meeting

Finley deGraffenried, City Manager took the opportunity to discuss the meeting expectations and format.

- *Discussion regarding projects and project funding*
 - *Certificate of Obligation (CO) Bonding Discussion with Counsel*
 - *Potential, related projects*
 - *Recovery Act Funding and LEDC Business Park*
 - *Discussion regarding on-going projects*
- *Discussion and review of previous meeting*
- *Comprehensive Plan Implementation- short term objectives*
- *Work Plan and Unfinished Business*

III. Discussion and updates on current projects.

Ryan Ward, ACM provided updates to the following projects:

BUDGETED

- *East Third Street Paving and Rehab- estimated completion March 2022*
- *Water Meter Installation- Summer 2022*
- *Tree-Trimming- estimated completion March 2022*
- *Cemetery Pole Barn-estimated completion Spring 2022*
- *Upper Pressure Plane Study- estimated completion Spring 2022*
- *Pre-Treatment Assessment- estimated completion May 2022*
- *PD Roof Replacement- estimated completion March 2022*
- *Fire Apparatus-Estimated Order Date- June 2022*
- *MyGovernment Online (MGO)- Complete*
- *Brook Park Retaining Wall- Complete*
- *Comprehensive Plan Adoption- Complete*
- *IT Building Improvements-Complete*
- *Chip Readers (credit card processing upgrade)-Complete*
- *Electric Subdivision Extensions- Complete*
- *Sweeper-Purchased-Operational*
- *VAC Truck- Purchased-Operational*
- *Cooper Springs- Walking Trails/Entrance Improvements- TBD*

EMERGENCY PROJECTS

- *West Third Street Culvert Replacement- Complete*
- *East Avenue H. Culvert/Undermining- Complete*

HOT FUND

- *Campbell Park Pavillion- estimated completion March 2022*
- *Campbell Park Skate Park- estimated completion February 2023*
- *Hostess House Rehabilitation- estimated completion TBD*
- *580 Hike & Bike Trails- Volunteers Completed Rough Cut Trails*

LEDC

- *Business Park Phase 1 Infrastructure- Bid Approval- February 2022*

UNBUDGETED

- *Interceptor Evaluation- estimated completion April 2022*
- *2020 CDBG- estimated completion January 2023*
- *Industrial Park Property- estimated completion April 2022*
- *Lampasas Substation Upgrades- estimated completed December 2022*
- *Internet Deployment- Roll Call 217 contacts - Nextlink 1000 contacts - 33% for residential/businesses 100% complete*
- *South 281 Utility Relocation (TxDOT Project)- Estimated completed 2022/2023*
- *Airport Terminal Area Plan- TBD*

PARTIALLY BUDGETED

- *Budgeted funds from third street project can be allocated for paving Broad and Walnut Street from 6th to 9th Street.*

ECONOMIC DEVELOPMENT

- *6" water line extension on Live Oak from North to 2nd Street- TBD*
- *Wastewater line replacement on Pecan from 8th Street to 5th Street- TBD*
- *East 2nd Street Drainage and ROW Improvements- TBD*

DEFERRED PROJECTS

- *Historic Colored School*
- *New Hope Baptist Church*
- *Fiber Installation to the Library*

IV. Discussion and update regarding capital projects and funding options

Bart Fowler, Bond Counsel discussed Certificate of Obligation (CO) bonding; specific to the following:

- *Timing*
- *Project Types*
- *Interest Rates*
- *Public Notice/Citizen Feedback*
- *Cost to Secure*
- *Penalties*
- *Timeline*
- *Securing Debt vs. Project Start Date*
- *Broad Project Description vs. Specific*

Without objection Council took break from 5:30-5:45 p.m.

Mr. deGraffenried solicited feedback from Council relating to CO discussion.

The consensus from Council is to have a good understanding on what it means to secure the debt and the impacts associated with; focus on necessary Capital Improvement Projects, getting ahead and prepared for growth.

High Priority Projects consist of Wastewater Treatment Plant Upgrades, Business Park Development and City Infrastructure/Roads. With the projected growth; Staff and Maintenance requirements the City will need to remain in the forefront to maintain expectations.

Mr. deGraffenried and Mandy Walsh, EDC Director briefed Council on the Business Park Phase 1 Project.

- *The Business Park Roadway and Utility Improvements, Phase 1 project has been sent out for bids. The bid opening took place on January 25, 2022. The low bid came in higher than budgeted due to add alternates within the bid.*
- *LEDC is ready to move forward with the project and award the bid at the next meeting.*
- *Funding has been secured for the base bid; Council may consider funding the add alternate or portion there of; there may also be funding opportunities through the American Recovery Act as infrastructure is an allowed investment as stipulated in the conditions of the grant.*

Staff and Council discussion included the following:

- *Surrounding Business Parks are not at full capacity*
- *Speed Limit on Highway 183 may need to be adjusted for development*
 - *Deceleration and acceleration lanes should be considered*
- *Marketing Plan to promote Business Park*
- *Positive feedback in moving forward from business developers*
- *Surrounding land owners are ready to develop residential property*
- *Business park will be maintained by the City*

Additional input regarding projects, funding and other areas from City Council

- *Council member Goodart would like the City to move forward with the Parks Master Plan*
- *Mayor Pro Tem Williamson commented that the cost to service continues to increase, we need to start thinking about rate increases to compensate*
- *Mayor Monroe- Commented that we need to review rates to keep up with the cost of services; i.e. Building/Utility. Walk Trail from Hostess House to Campbell Park.*
- *Council member Clark- Transportation Improvements (vehicular traffic flow), develop new roads, Parks Master Plan, Interceptor Study*
- *Council member Morris- Zoning/Subdivision Regulations, Parks Master Plan, Trails, Historic Downtown Preservation, Review rates to keep up with the cost of services.*
- *Council member Pearce- New Hope Baptist Church, Historic Colored School, Cities Growth*

V. Discussion regarding Short-Term Objectives and implementation of the Comprehensive Plan

Due to time constraints this item was not discussed

VI. Discussion, Format, and Development of 2021/2022 Council Work Plan

Due to time constraints this item was not discussed

VII. Review and Summary of Identified Tasks/Unfinished Business

This will be created as the remaining items are discussed

VIII. Adjourn

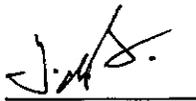
Council member Morris moved to adjourn at 7:07 p.m., Council member Clark seconded the motion and with a unanimous vote, the motion carried.

PASSED AND APPROVED this _____ day of _____, 2022.

TJ Monroe, Mayor

ATTEST:

Becky Sims, City Secretary


City ManagerITEM NO. 3.1

**BUSINESS FOR THE CITY COUNCIL
OF THE
CITY OF LAMPASAS**

Subject:

Discussion and possible action regarding the second reading of an Ordinance calling for a General Election to elect the expired terms of Council Member Places Three, Four and Five for the City Council of the City of Lampasas, Texas to be held on the 7th day of May, 2022; Providing for polling times and places; Providing for Early Voting; and Providing for Bilingual Election materials

Requested by: Becky Sims, City Secretary

Submitted by: Becky Sims, City Secretary

Date Submitted: January 11, 2022

For the agenda of: February 14, 2022

Procurement and Funding Statement:

N/A

Attachments: Ordinance

Summary Statement:

This is the second reading of an Ordinance.

This ordinance calls the May 7, 2022 General Election as required by State Law. It establishes polling places and appoints judges and clerks.

The Mayor and following Council Member Places up for election are as follows:

Place 3	Chuck Williamson
Place 4	Catherine Kuehne
Place 5	Bob Goodart

Recommendation:

Motion to approve the second reading of an Ordinance calling for a General Election to elect the expired terms of Council Member Places Three, Four and Five for the City Council of the City of Lampasas, Texas to be held on the 7th day of May, 2022; Providing for polling times and places; Providing for Early Voting; and Providing for Bilingual Election materials.

ORDINANCE NO. 1673

AN ORDINANCE CALLING FOR A GENERAL ELECTION TO ELECT THE EXPIRED TERMS OF THE COUNCIL MEMBERS PLACES THREE, FOUR AND FIVE FOR THE CITY COUNCIL OF THE CITY OF LAMPASAS, TEXAS TO BE HELD ON THE 7TH DAY OF MAY, 2022; PROVIDING FOR POLLING TIMES AND PLACES; PROVIDING FOR EARLY VOTING; AND PROVIDING FOR BILINGUAL ELECTION MATERIALS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAMPASAS, TEXAS:

1. That in accordance with the provisions of the law, the City Council hereby orders an election for the Council members Places Three (3), Four (4), and Five (5) of the City Council of the City of Lampasas, Texas, be held on Saturday, May 7, 2022, and the following provisions are made thereof:
 - A. Said election shall be held at the Lampasas County Elections Administrator Office, 407 S. Pecan Street, Suite 102, Lampasas, Texas and Kempner Fire Training Center, 315 Pecan Street, Kempner, Texas
 - B. Elke White is hereby appointed Presiding Judge and Tori Dragoo as Alternate Presiding Judge; said Presiding Judge shall appoint the necessary clerks to assist her, which shall not exceed five clerks.
 - C. The election polls shall be open between the hours of 7:00 A.M. and 7:00 P.M.
 - D. All notices, instructions, directions and election ballots shall be printed and distributed in the English and Spanish languages.
 - E. Mark Bishop, Elections Administrator, is hereby appointed clerk for early voting, Susie Miller as deputy clerk and the following persons are hereby appointed clerks for early voting:

Janet Walsh, Clerk
Elke White, Clerk
Wanda Lang, Clerk
Victoria Dragoo, Clerk
Joy Melder, Clerk

Early voting for such election shall be held at the Lampasas County Elections Administrator Office, located at 407 S. Pecan, Suite 102, in Lampasas, Texas, and said place of early voting shall remain open for at least eight hours on each day for early voting which is not a Saturday, Sunday or an official state or City holiday, beginning on April 25, 2022 and ending on May 3, 2022. Said place of voting shall remain open between the hours of 8:00 A.M. and 5:00 P.M. on each of such days for early voting except for the following dates: Tuesday, April 26, 2022, and Tuesday, May 3, 2022. On these said dates the place of voting shall remain open between the hours of 7:00 A.M. and 7:00 P.M.

F. The Early Voting Clerk's official address is 407 S. Pecan, Suite 102, Lampasas, Texas 76550.

G. The Early Ballot Board is hereby appointed as follows:

Presiding Judge	Mark Bishop
Member	Harvey Farish
Member	Debra Farish

H. That said election shall be held in accordance with the Election Code of the State of Texas and only resident, qualified voters of said City shall be eligible to vote at said election. All applicable provisions of the National Voting Rights Act, and amendments thereto, shall be complied with.

I. That the City Secretary shall give Notice of said election by posting notice in each of the election precincts of said City which posting shall be done not less than 21 days prior to date fixed for said election.

J. That the City Secretary shall cause notice to be posted according to the requirements of VATCS, Election Code Sec. 4.003.

K. That immediately after said election is held, the officer holding the same shall make returns of the result thereof to the Mayor of this City as is required by the Election Code of the State of Texas.

2. This Ordinance shall be effective from and after its passage, and the Elections Administrator is hereby directed and authorized to take such steps as are necessary to accomplish said election.

PASSED AND APPROVED this 14 day of February, 2022.

Date of 1st reading: January 24, 2022
Date of 2nd reading: February 14, 2021

TJ Monroe, Mayor

ATTEST:

Becky Sims, City Secretary

APPROVED AS TO FORM:

Jo-Christy Brown, City Attorney
(Signature of Attorney Provided on Separate Page to be attached)

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City Manager

ITEM NO. 3.2

**BUSINESS FOR THE CITY COUNCIL
OF THE
CITY OF LAMPASAS**

Subject:

Discussion and Possible Action regarding purchases and charges in excess of \$4,000 from January 1, 2022 to January 31, 2022.

Requested By: Yvonne Moreno, Finance Director

Submitted By: Yvonne Moreno, Finance Director

Date Submitted: February 10, 2022

For the Agenda of: February 14, 2022

Procurement and Funding Statement:

N/A

Attachments: A/P History Check Report

Summary Statement:

The Check History Report presents the detail of individual charges and amounts for all checks over \$4,000 for the period of January 1, 2022 to January 31, 2022.

Recommendation:

Motion to approve by consent.

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
02856	AEP ENERGY PARTNERS, INC.							
I-17521347533	DECEMBER AEP BILL	E	1/19/2022	110,612.53		000076		110,612.53
56260	LOWER COLORADO RIVER AUTHORITY							
I-EW16745	DECEMBER LCRA BILL	E	1/19/2022	359,023.62		000077		359,023.62
27050	IRS-PAYROLL TAXES							
I-T1 202201138184	FEDERAL WITHHOLDING	D	1/14/2022	19,260.89		000130		
I-T3 202201138184	FICA TAX	D	1/14/2022	26,168.06		000130		
I-T4 202201138184	MEDICARE TAX	D	1/14/2022	6,119.92		000130		51,548.87
27050	IRS-PAYROLL TAXES							
I-T1 202201278186	FEDERAL WITHHOLDING	D	1/28/2022	19,197.33		000131		
I-T3 202201278186	FICA TAX	D	1/28/2022	26,331.92		000131		
I-T4 202201278186	MEDICARE TAX	D	1/28/2022	6,158.28		000131		51,687.53
17865	COLONIAL LIFE & ACCIDENT							
I-AC1202112168179	ACCIDENT INSURANCE	R	1/04/2022	206.17		164662		
I-AC2202112308180	ACCIDENT INSURANCE	R	1/04/2022	206.21		164662		
I-AC3202112168179	ACCIDENT INSURANCE	R	1/04/2022	758.84		164662		
I-AC3202112308180	ACCIDENT INSURANCE	R	1/04/2022	758.84		164662		
I-CN1202112168179	CANCER INSURANCE	R	1/04/2022	310.13		164662		
I-CN2202112308180	CANCER INSURANCE	R	1/04/2022	310.14		164662		
I-HO3202112168179	HOSPITAL INCOME - PRETAX	R	1/04/2022	189.57		164662		
I-HO3202112308180	HOSPITAL INCOME - PRETAX	R	1/04/2022	189.57		164662		
I-HOS202112308180	HOSPITAL INCOME - PRETAX	R	1/04/2022	0.01		164662		
I-LF3202112308180	UNIV/COL LIFE AFTER TAX	R	1/04/2022	409.73		164662		
I-LF7202112168179	NON-PRETAX LIFE INSURANCE	R	1/04/2022	409.70		164662		
I-LF8202112168179	AFTER TAX COLONIAL PRODUCTS	R	1/04/2022	878.38		164662		
I-LF8202112308180	AFTER TAX COLONIAL PRODUCTS	R	1/04/2022	878.38		164662		
I-LP1202112168179	PRETAX LPSD DISABILITY	R	1/04/2022	0.01		164662		
I-LP3202112168179	LPSD DISABILITY AFTERTAX	R	1/04/2022	26.72		164662		
I-LP3202112308180	LPSD DISABILITY AFTERTAX	R	1/04/2022	26.72		164662		5,559.12
03376	PRINCIPAL LIFE INSURANCE COMPA							
I-202201038183	PRINCIPAL LIFE INSURANCE COMPA	R	1/04/2022	120.95		164670		
I-DN1202112168179	EMPLOYEE SHARE HEALTH INSUR	R	1/04/2022	637.00		164670		
I-DN2202112308180	EMPLOYEE SHARE HEALTH INSUR	R	1/04/2022	637.00		164670		
I-GDC202112308180	DENTAL INSURANCE PREMIUM	R	1/04/2022	794.20		164670		
I-GDE202112308180	DENTAL INSURANCE PREMIUM	R	1/04/2022	989.46		164670		
I-GDF202112308180	DENTAL INSURANCE PREMIUM	R	1/04/2022	1,127.49		164670		
I-GDS202112308180	DENTAL INSURANCE PREMIUM	R	1/04/2022	588.96		164670		
I-GVC202112308180	VISION INSURANCE PREMIUM	R	1/04/2022	123.48		164670		
I-GVE202112308180	VISION INSUR PREMIUM	R	1/04/2022	236.88		164670		
I-GVF202112308180	VISION INSURANCE PREMIUM	R	1/04/2022	206.36		164670		
I-GVS202112308180	VISION INSURANCE PREMIUM	R	1/04/2022	128.63		164670		
I-VS1202112168179	EMPLOYEE SHARE HEALTH PLAN	R	1/04/2022	80.06		164670		
I-VS2202112308180	EMPLOYEE SHARE HEALTH INSUR	R	1/04/2022	80.06		164670		5,750.53

VENDOR SET: 99 CITY OF LAMPASAS
 BANK: FSB BANCORPSOUTH
 DATE RANGE: 1/01/2022 THRU 1/31/2022

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
74775	SCOTT & WHITE HEALTH PLAN							
I-202201038181	SCOTT & WHITE HEALTH PLAN	R	1/04/2022	3,195.33		164685		
I-CCC202112308180	HEALTH INSURANCE PREMIUM	R	1/04/2022	5,684.64		164685		
I-CCE202112308180	HEALTH INSURANCE PREMIUM	R	1/04/2022	11,414.60		164685		
I-CCF202112308180	HEALTH INSURANCE PREMIUMS	R	1/04/2022	5,325.18		164685		
I-CCS202112308180	HEALTH INSURANCE PREMIUM	R	1/04/2022	4,759.98		164685		
I-HE1202112308180	HEALTH INSURANCE PREMIUM	R	1/04/2022	7,543.36		164685		
I-HEA202112168179	EMPLOYEE SHARE HEALTH INSURANC	R	1/04/2022	10,084.02		164685		
I-HEC202112308180	EMPLOYEE SHARE HEALTH INSURANC	R	1/04/2022	10,084.02		164685		
I-HI1202112308180	CITY HEALTH INSURANCE	R	1/04/2022	12,536.70		164685		
I-HID202112308180	CITY HEALTH INSURANCE	R	1/04/2022	13,842.92		164685		
I-HIE202112308180	EMPLOYEE CITY HEALTH CONTRIB	R	1/04/2022	18,987.75		164685		103,458.50
84250	TEXAS MUNICIPAL RETIREMENT SYS							
I-TMR202112028173	RETIREMENT CONTRIBUTIONS	R	1/04/2022	54,579.56		164687		
I-TMR202112028174	RETIREMENT CONTRIBUTIONS	R	1/04/2022	414.42		164687		
I-TMR202112168179	RETIREMENT CONTRIBUTIONS	R	1/04/2022	49,840.52		164687		
I-TMR202112308180	RETIREMENT CONTRIBUTIONS	R	1/04/2022	52,472.98		164687		157,307.48
02860	FUELMAN							
I-NP61306187	FUEL FOR 11/29-12/26	R	1/05/2022	8,935.26		164693		8,935.26
47585	KEMPNER WATER SUPPLY CORP							
I-11302021**	NOV WATER	R	1/05/2022	63,900.37		164695		63,900.37
03342	ABSOLUTE GARAGE DOORS							
I-0003454	GARAGE DOOR REPLACEMENT	R	1/08/2022	5,970.00		164696		5,970.00
16468	CATERPILLAR FIN SER CORP							
I-31767415	RENTAL FOR DECEMBER	R	1/08/2022	2,751.32		164725		
I-31791360	TRACTOR LEASE	R	1/08/2022	3,579.60		164725		6,330.92
01344	CORE & MAIN LP							
I-P809144	3/4 GATE VALVES	R	1/08/2022	267.72		164726		
I-P967880	METER BOXES	R	1/08/2022	1,544.32		164726		
I-Q012417	18" DR18 PVC PIPE	R	1/08/2022	4,800.00		164726		
I-Q071310	2 X 7 2 BOLT DRESSER	R	1/08/2022	191.98		164726		
I-Q084277	WATER REPAIR PARTS	R	1/08/2022	558.20		164726		
I-Q091715	2 X 7 COUPLING	R	1/08/2022	144.74		164726		
I-Q098898	3/4 " METERS	R	1/08/2022	4,140.00		164726		
I-Q102785	WATER REPAIR PARTS	R	1/08/2022	1,272.08		164726		12,919.04
01680	ECKERMANN ENGINEERING INC							
I-1662	WW INTERCEPTOR STUDY	R	1/08/2022	18,550.00		164731		
I-1663	W AVE C CDBG PROJECT	R	1/08/2022	5,250.00		164731		23,800.00

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
00647	HOLT CAT							
C-PCM60018623	CREDIT	R	1/08/2022	206.53CR		164742		
I-WIMO0096052	HYDRAULIC PUMP/TANK	R	1/08/2022	5,482.17		164742		
I-WIMO0096053	FUEL PUMP	R	1/08/2022	433.07		164742		5,708.71
02410	LAMCO CONSTRUCTION							
I-22010401	CAMPBELL PARK PAVILION	R	1/08/2022	96,362.85		164751		96,362.85
01488	LAW OFFICES OF JO-CHRISTY BROW							
I-29857	GENERAL MATTERS	R	1/08/2022	5,162.50		164769		
I-29858	GENERAL MATTERS	R	1/08/2022	7,735.00		164769		12,897.50
59800	MID AMERICAN RESEARCH INC							
I-0749563IN	NITRILE GLOVES	R	1/08/2022	1,120.00		164772		
I-0750621IN	DEGREASER	R	1/08/2022	3,718.00		164772		
I-0750622IN	SUPER ZYME	R	1/08/2022	389.50		164772		5,227.50
82300	TECHLINE, INC							
I-128573104	ANCHOR ROD	R	1/08/2022	25.97		164789		
I-128661200	STREET LIGHTS	R	1/08/2022	12,921.28		164789		
I-128661201	STREET LIGHTS	R	1/08/2022	1,478.00		164789		
I-128661202	STREET LIGHTS	R	1/08/2022	50.00		164789		
I-128661203	STREET LIGHTS	R	1/08/2022	544.80		164789		
I-128661204	STREET LIGHTS	R	1/08/2022	185.50		164789		
I-311797100	STREET LIGHTS	R	1/08/2022	1,330.00		164789		
I-311797101	STREET LIGHTS	R	1/08/2022	229.00		164789		
I-981082600	750 KVA TRANSFORMER	R	1/08/2022	23,345.00		164789		40,109.55
02976	WASTE CONNECTIONS							
I-2085301	EMPTY BIN	R	1/08/2022	754.00		164808		
I-2085301*	EMPTY ROLL OFFS	R	1/08/2022	1,282.02		164808		
I-2085301**	EMPTY ROLL OFFS	R	1/08/2022	406.75		164808		
I-2094246	RESIDENTIAL SOLID WASTE	R	1/08/2022	45,993.80		164808		48,436.57
52200	LAMPASAS PUBLIC UTILITIES							
I-12302021	DECEMBER 2021	R	1/10/2022	29,221.19		164812		29,221.19
02754	MASTERCARD							
C-63436130172	ST.SURVIVAL REFUND	R	1/18/2022	259.00CR		164884		
I-00234C	TMCA ANNUAL DUES	R	1/18/2022	100.00		164884		
I-00657C	FIRE DEPT. TOY DRIVE	R	1/18/2022	249.43		164884		
I-00818C	COUNCIL WORKSHOP	R	1/18/2022	176.97		164884		
I-01364C	COUNCIL DINNER	R	1/18/2022	135.98		164884		
I-02171C	DEPARTMENT LUNCH	R	1/18/2022	168.39		164884		
I-12012021	SCHOOL REGISTRATION	R	1/18/2022	199.00		164884		
I-12022021	SUPPLIES FOR TOY DRIVE	R	1/18/2022	83.96		164884		
I-12082021	2022 MANAGING PATROL OPER	R	1/18/2022	345.00		164884		
I-12272021	101/102 MEMBERSHIP DUES	R	1/18/2022	52.00		164884		

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
I-12292021	WEBSITE STOCK IMAGES	R	1/18/2022	29.00		164884		
I-134660	TXPELRA SEMINAR - V TOWER	R	1/18/2022	475.00		164884		
I-1444626401	MASTERCARD	R	1/18/2022	558.54		164884		
I-153200A	OFC ROSCOE-TRAINING	R	1/18/2022	126.56		164884		
I-2089	MASTERCARD	R	1/18/2022	300.00		164884		
I-3895E1C80001	PROMOTIONAL TEST	R	1/18/2022	400.00		164884		
I-415745700	CITY NEWSLETTER	R	1/18/2022	50.00		164884		
I-509626	HOTEL FOR TRAINING	R	1/18/2022	330.36		164884		
I-DS001123675	DROPSEND	R	1/18/2022	45.00		164884		
I-E72172	TOOLS	R	1/18/2022	441.78		164884		4,007.97
03116	RELIANCE ARCHITECTURE							
I-278	HOSTESS HOUSE PREDESIGN	R	1/18/2022	8,460.00		164893		8,460.00
01456	S & M VACUUM & WASTE, LTD							
I-138107	SLUDGE TRANSPORTATION	R	1/18/2022	500.00		164895		
I-138108	SLUDGE TRANSPORTATION	R	1/18/2022	500.00		164895		
I-138109	SLUDGE HAUL INV #138109	R	1/18/2022	500.00		164895		
I-138110	SLUDGE HAUL INV#138110	R	1/18/2022	500.00		164895		
I-138111	SLUDGE HAUL INV#138111	R	1/18/2022	500.00		164895		
I-138112	SLUDGE HAUL #138112	R	1/18/2022	500.00		164895		
I-138113	SLUDGE HAUL INV#138113	R	1/18/2022	500.00		164895		
I-138114	SUDGE HAUL INV138114	R	1/18/2022	500.00		164895		
I-138115	SLUDGE HAUL INV#138115	R	1/18/2022	500.00		164895		
I-138116	SLUDGE HAUL INV#138116	R	1/18/2022	500.00		164895		
I-138117	SLUDGE HAUL INV#138117	R	1/18/2022	500.00		164895		
I-139109	SLUDGE HAUL INV#139109	R	1/18/2022	500.00		164895		6,000.00
00016	TEXAS MUNICIPAL LEAGUE							
I-2994 01012022	COMP AUDIT FY 20-21 BAL	R	1/18/2022	4,268.00		164904		4,268.00
02976	WASTE CONNECTIONS							
I-2094245	COMMERCIAL SOLID WASTE	R	1/18/2022	56,849.09		164908		
I-2094276	EMPTY ROLL OFFS	R	1/18/2022	1,551.06		164908		
I-2094296	EMPTY BIN	R	1/18/2022	343.00		164908		58,743.15
02235	BOKF, NA							
I-LAMP1016CO01212022	TEXAS COMBO 2016 CO	R	1/24/2022	97,225.00		164933		97,225.00
16468	CATERPILLAR FIN SER CORP							
I-31884901	RENTAL FOR JANUARY	R	1/24/2022	1,660.70		164937		
I-31889481	RENTAL FOR JANUARY	R	1/24/2022	2,888.89		164937		4,549.59

VENDOR SET: 99 CITY OF LAMPASAS
 BANK: FSB BANCORPSOUTH
 DATE RANGE: 1/01/2022 THRU 1/31/2022

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
03320	CHASE							
I-0000006700	2019 REFUNDING DEBT PYMNT	R	1/24/2022	98,154.10		164939		98,154.10
03398	CLASSIC BANK, N.A.							
I-00000192193 00001	2020 REFUNDING	R	1/24/2022	150,543.00		164941		150,543.00
01344	CORE & MAIN LP							
I-Q121648	WATER SUPPLIES	R	1/24/2022	111.64		164943		
I-Q121649	BRASS NIPPLES 1X3.5	R	1/24/2022	35.08		164943		
I-Q129480	WATER SUPPLIES	R	1/24/2022	1,830.52		164943		
I-Q167620	SEWER PIPE	R	1/24/2022	4,553.36		164943		6,530.60
02202	H & H TREE SERVICE INC							
I-01132022	CHRISTMAS LIGHTS/DECOR	R	1/24/2022	10,000.00		164946		10,000.00
01179	HARRISON CONSTRUCTION CO							
I-01112022	ROAD BASE	R	1/24/2022	2,190.00		164948		
I-01112022*	DRIVEWAY REPAIR	R	1/24/2022	3,475.00		164948		
I-01122022	MAN SAND	R	1/24/2022	285.00		164948		
I-01122022*	3/8 ROCK	R	1/24/2022	2,370.00		164948		8,320.00
47585	KEMPNER WATER SUPPLY CORP							
I-12312021	MONTHLY DEBT PAYMENT	R	1/24/2022	19,146.97		164955		19,146.97
90400	UNITED STATES POST OFFICE							
I-01202022	POSTAGE PERMIT 81	R	1/24/2022	5,000.00		164985		5,000.00
01201	BANK OF AMERICA NA							
I-10PF5IVG20	2007 CO	R	1/27/2022	51,812.23		165013		51,812.23
01344	CORE & MAIN LP							
I-Q138166	WATER REPAIR PARTS	R	1/27/2022	1,530.53		165016		
I-Q167366	WATER REPAIR PARTS	R	1/27/2022	2,950.48		165016		4,481.01
01050	MCCOY TREE SURGERY COMPANY							
I-9550	TREE TRIMMING	R	1/27/2022	615.00		165033		
I-9551	TREE TRIMMING	R	1/27/2022	3,622.20		165033		
I-9552	TREE TRIMMING	R	1/27/2022	2,460.00		165033		
I-9553	TREE TRIMMING	R	1/27/2022	3,890.40		165033		
I-9554	TREE TRIMMING	R	1/27/2022	5,299.20		165033		
I-9555	TREE TRIMMING	R	1/27/2022	3,890.40		165033		19,777.20

1/31/2022 2:55 PM
 VENDOR SET: 99 CITY OF LAMPASAS
 BANK: FSB BANCORPSOUTH
 DATE RANGE: 1/01/2022 THRU 1/31/2022

A/P HISTORY CHECK REPORT

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
* * T O T A L S * *								
		NO		INVOICE AMOUNT	DISCOUNTS			CHECK AMOUNT
	REGULAR CHECKS:	34		1,188,913.91	0.00			1,188,913.91
	HAND CHECKS:	0		0.00	0.00			0.00
	DRAFTS:	2		103,236.40	0.00			103,236.40
	EFT:	2		469,636.15	0.00			469,636.15
	NON CHECKS:	0		0.00	0.00			0.00
	VOID CHECKS:	0	VOID DEBITS	0.00				
			VOID CREDITS	0.00	0.00			

TOTAL ERRORS: 0

VENDOR SET: 99	BANK: FSB	TOTALS:	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
			38	1,761,786.46	0.00	1,761,786.46
BANK: FSB	TOTALS:		38	1,761,786.46	0.00	1,761,786.46
REPORT TOTALS:			38	1,761,786.46	0.00	1,761,786.46

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City Manager

ITEM NO. 3.3

**BUSINESS FOR THE CITY COUNCIL
OF THE
CITY OF LAMPASAS**

Subject: Discussion and possible action on the Receipt of the Monthly Investment Report for December 2021.

Requested By: Yvonne Moreno, Finance Director
Submitted By: Yvonne Moreno, Finance Director

Date Submitted: February 10, 2022 For the Agenda of: February 14, 2022

Procurement and Funding Statement: N/A

Attachments: Investment Report prepared by Patterson & Associates

Summary Statement:

The weighted average maturity of City investments is 160 day(s).

The City's yield to maturity is 0.229

<u>Place of Investment</u>	<u>Investment Amount</u>	<u>% of Portfolio</u>
TexPool / TexPool Prime	\$1,923,921.96	11.12%
TexStar	\$1,628,128.30	9.41%
Bancorp South	\$5,872,745.55	33.95%
Money Market	\$3,866,515.16	22.35%
Frost Bank	\$ 8,115.45	0.05%
Federal Agency Coupon Securities	\$4,000,000.00	23.12%

Recommendation: Motion to approve by consent.



Monthly Investment Report

PREPARED FOR CITY OF LAMPASAS

DECEMBER 31, 2021



**PATTERSON
& ASSOCIATES**

A MEEDER INVESTMENT MANAGEMENT COMPANY

WITH YOU. FOR YOU.

New Year – Same Problems



Nineteen months into the pandemic has not stopped the US economy. It is exhibiting clear signs of improvement although risks remain, including new strains of the virus.

At the start of 2021 growth was robust as businesses re-opened. By 3Q growth had once again slowed as trillions in support programs were withdrawn and supply chains remained kinked. The newly revised 3Q GDP showed an economy growing at a 2.3% level and each revision has been revised higher indicating solid growth.

Jobs remain a quandary. Employers have posted 10.6M openings in November and while that is huge in itself, this marks the sixth straight month job vacancies have topped 10M. Surveys show workers are quitting due to health concerns, more competitive salaries, a better work-life balance or childcare needs with some schools remaining virtual.

Supply chains have started to unwind and with that US manufacturing strength continues to climb back.

The consumer also did not disappoint this holiday season. The Christmas shopping splurge sales showed a year-over-year increase of 13.7%. Some of this is due likely on an overall personal income increase of 7.4% year-over-year.

Congress is promoting more stimulus and a new \$68 billion bill has been introduced for covid relief for small business. Those businesses have already received \$5.7 trillion over the past 22 months.



Global Recovery at the Mercy of Covid

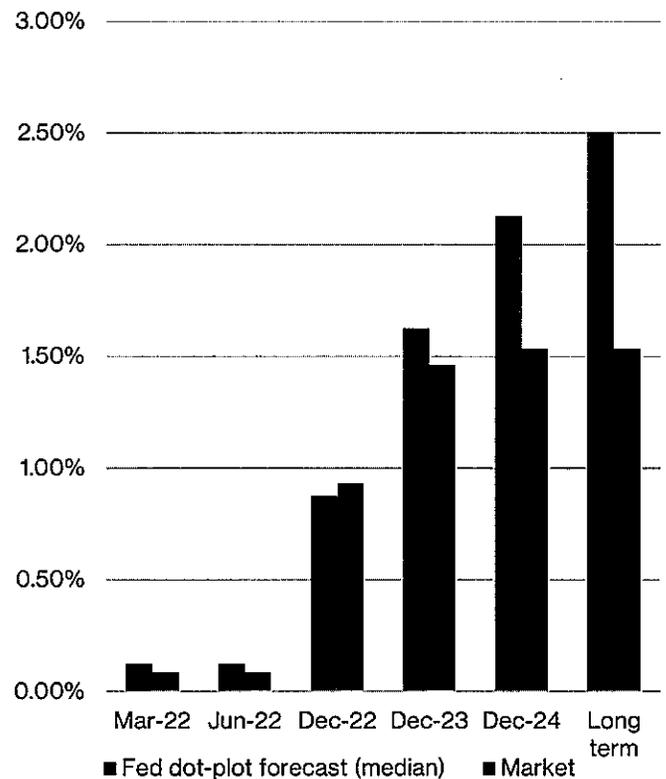


The Federal Reserve is clearly being challenged to control inflation and as the December FOMC minutes clearly indicated, they will do so by pulling back on the very generous accommodation presented during the pandemic.

There is no pre-set agenda or calendar for their actions and they will remain strongly data dependent, but the minutes are clear. The FOMC indicates that inflation needs to be cooled and they have a comfort level with raising the Fed Funds overnight rate sooner and rather than later. The *dot plot* shows some Governors anticipating up to 4 rate hikes in 2022 but 5 indicate two hikes. Somewhere in between lies the future. Much will depend on the pace at which inflation cools.

The monetary punch bowl is also being taken away. An unusual aggressive approach to reducing the Fed's balance sheet is under serious discussion. The balance sheet has ballooned from \$4.2 trillion before the pandemic to \$8.7 trillion by December 2021. The December minutes stated that *"Some participants noted that it could be appropriate to begin to reduce the size of the Federal Reserve's balance sheet relatively soon after beginning to raise the federal funds rate."*

This combination of these challenges might indicate that the Fed will use the balance sheet in combination with the Fed Funds rate in the future.

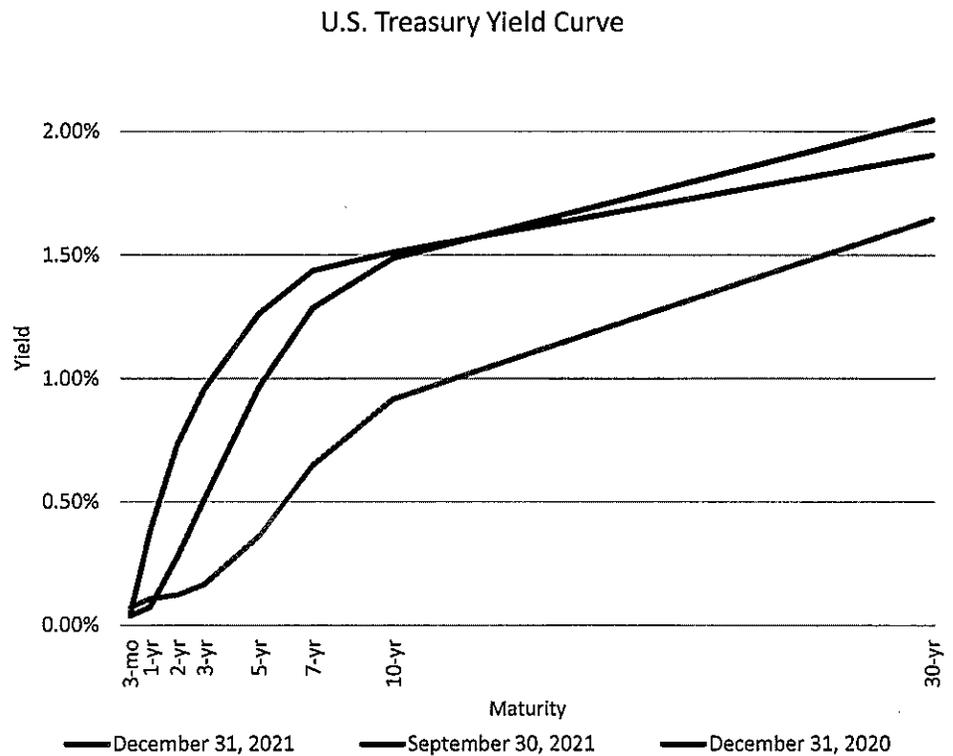


Source: CME, Bloomberg 1/6/2022

The Fed's Planned Taper has Its Uplifting Effect



- The curve has jumped up markedly reacting to the taper plans and possible rate hikes from the Fed.
- The short to intermediate end of the curve may continue to show a move higher as the Fed starts its move and inflation remains high.
- The recognition that inflation is not temporary has the market moving on fears that it must be halted.
- Investors are anticipating a much earlier move by the Fed on overnight rates. Perhaps even early second quarter.



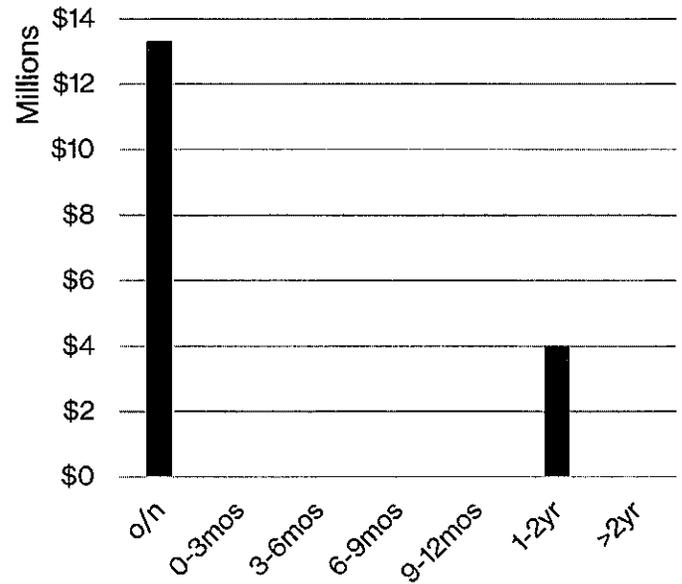
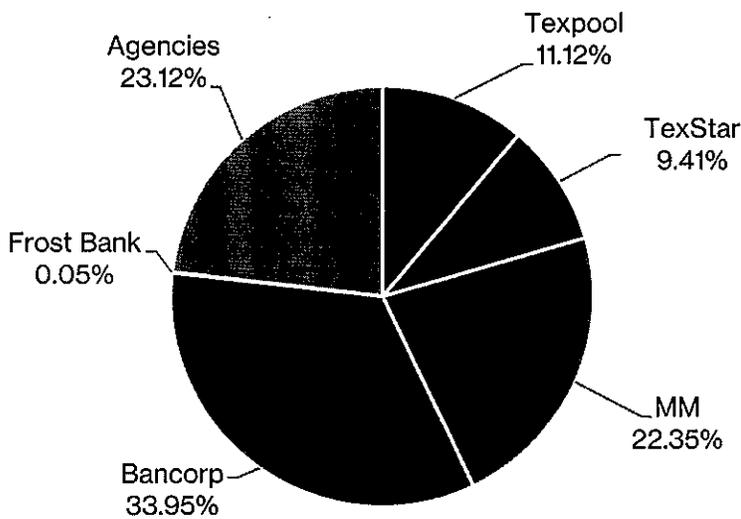
End of Month Rates - Full Yield Curve - Fed Funds to 30yr

Portfolio Overview

As of December 31, 2021



- P&A constantly reviews your portfolio for optimal asset allocation and a controlled average maturity because a diversified portfolio can better adjust to volatile market conditions. These are unusual times and where extensions can be made it is important to make them to find any available safe value in the markets.
- The graphs below show asset allocations by market sector and by maturity in your portfolio. Liquidity has been reduced to little or no value but with a flat short curve it may be the only sector available out to twelve months without the use of CP. Our expectation is of continuing dismally low rates, but we look for value in your authorized sectors to capture the yield available as markets change.
- The non-cash portion of your portfolio is yielding 0.55%.





**City of Lampasas, Texas
Portfolio Management
Portfolio Summary
December 31, 2021**

Patterson & Associates
901 S. MoPac
Suite 195
Austin, TX 78746
-

Investments	Par Value	Market Value	Book Value	% of Portfolio	Term	Days to Maturity	YTM 365 Equiv.
Federal Agency Coupon Securities	4,000,000.00	3,989,597.64	4,000,000.00	23.12	730	690	0.550
Bancorp South	5,872,745.55	5,872,745.55	5,872,745.55	33.95	1	1	0.250
Texpool/Texpool Prime	1,923,921.96	1,923,921.96	1,923,921.96	11.12	1	1	0.042
TexStar	1,628,128.30	1,628,128.30	1,628,128.30	9.41	1	1	0.014
Frost Bank	8,115.45	8,115.45	8,115.45	0.05	1	1	0.000
Money Market	3,866,515.16	3,866,515.16	3,866,515.16	22.35	1	1	0.050
Investments	17,299,426.42	17,289,024.06	17,299,426.42	100.00%	170	160	0.229

Total Earnings	December 31	Month Ending	Fiscal Year To Date
Current Year		3,345.51	7,999.50

The following reports are submitted in accordance with the Public Funds Investment Act (Texas Gov't Code 2256). The reports also offer supplemental information not required by the Act in order to fully inform the governing body of the City of Lampasas, Texas of the position and activity within the City's portfolio of investment. The reports include a management summary overview, a detailed inventory report for the end of the period a transaction report, as well as graphic representations of the portfolio to provide full disclosure to the governing body.

Yvonne Moreno, Finance Director

Reporting period 12/01/2021-12/31/2021
Data Updated: SET_LAMP: 01/26/2022 15:42
Run Date: 01/26/2022 - 15:42

Portfolio LAMP
AP
PM (PRF_PM1) 7.3.0
Report Ver. 7.3.6.1



**PATTERSON
& ASSOCIATES**
A WELLS FARGO INVESTMENT MANAGEMENT COMPANY

**City of Lampasas, Texas
Summary by Type
December 31, 2021
Grouped by Fund**

Patterson & Associates
901 S. MoPac
Suite 195
Austin, TX 78746

Security Type	Number of Investments	Par Value	Book Value	% of Portfolio	Average YTM 365	Average Days to Maturity
Fund: Cash						
Bancorp South	3	4,573,066.58	4,573,066.58	26.43	0.250	1
Federal Agency Coupon Securities	1	4,000,000.00	4,000,000.00	23.12	0.550	690
Money Market	9	3,866,515.16	3,866,515.16	22.35	0.050	1
Texpool/Texpool Prime	1	1,779,129.15	1,779,129.15	10.28	0.038	1
Subtotal	14	14,218,710.89	14,218,710.89	82.18	0.253	195
Fund: Cert. of Obligation 2016						
Texpool/Texpool Prime	1	144,792.81	144,792.81	0.84	0.090	1
Subtotal	1	144,792.81	144,792.81	0.84	0.090	1
Fund: Electric						
Bancorp South	1	361,975.97	361,975.97	2.09	0.250	1
Frost Bank	1	8,115.45	8,115.45	0.05	0.000	1
TexStar	1	1,628,128.30	1,628,128.30	9.41	0.014	1
Subtotal	3	1,998,219.72	1,998,219.72	11.55	0.057	1
Fund: LEDC						
Bancorp South	2	662,960.51	662,960.51	3.83	0.250	1
Subtotal	2	662,960.51	662,960.51	3.83	0.250	1
Fund: Seizures						
Bancorp South	2	17,727.58	17,727.58	0.10	0.249	1
Subtotal	2	17,727.58	17,727.58	0.10	0.249	1
Fund: Trust						
Bancorp South	2	72,737.09	72,737.09	0.42	0.250	1
Subtotal	2	72,737.09	72,737.09	0.42	0.250	1
Fund: Water						

Run Date: 01/26/2022 - 15:45

Portfolio LAMP
AP
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Report Ver. 7.3.6.1

City of Lampasas, Texas
 Summary by Type
 December 31, 2021
 Grouped by Fund

Security Type	Number of Investments	Par Value	Book Value	% of Portfolio	Average YTM 365	Average Days to Maturity
Fund: Water						
Bancorp South	1	184,277.82	184,277.82	1.07	0.250	1
Subtotal	1	184,277.82	184,277.82	1.07	0.250	1
Total and Average	25	17,299,428.42	17,299,428.42	100.00	0.229	180



**City of Lampasas, Texas
Fund CASH - Cash
Investments by Fund
December 31, 2021**

Patterson & Associates
901 S. MoPac
Suite 195
Austin, TX 78746

CUSIP	Investment #	Issuer	Purchase Date	Book Value	Par Value	Market Value	Current Rate	YTM 360	YTM 365	Maturity Date	Days To Maturity
Federal Agency Coupon Securities											
3130APP1	10062	FHLB Call Note	11/22/2021	4,000,000.00	4,000,000.00	3,989,597.64	0.550	0.542	0.550	11/22/2023	690
Subtotal and Average				4,000,000.00	4,000,000.00	3,989,597.64		0.542	0.550		690
Bancorp South											
0474	10004	Bancorp South	09/01/2014	4,551,886.78	4,551,886.78	4,551,886.78	0.250	0.246	0.250		1
3213	10006	Bancorp South	09/01/2014	509.69	509.69	509.69	0.250	0.246	0.250		1
4187	10007	Bancorp South	09/01/2014	20,670.11	20,670.11	20,670.11	0.250	0.246	0.250		1
Subtotal and Average				4,573,066.58	4,573,066.58	4,573,066.58		0.247	0.250		1
Texpool/Texpool Prime											
14103	10000	Texpool	09/01/2014	1,779,129.15	1,779,129.15	1,779,129.15	0.038	0.037	0.037		1
Subtotal and Average				1,779,129.15	1,779,129.15	1,779,129.15		0.037	0.038		1
Money Market											
5001632	10023	Austin Capital Bank MM	01/29/2015	248,462.57	248,462.57	248,462.57	0.050	0.049	0.050		1
XXXX579	10026	Business Bank of TX ICS	04/02/2015	0.00	0.00	0.00					1
XXXX561	10029	Business Bank of TX ICS	06/01/2015	0.00	0.00	0.00					1
4001579	10027	Business Bk Ultimate Bus MM	05/01/2015	0.00	0.00	0.00					1
4001561	10030	Business Bk Ultimate Bus MM	06/30/2015	0.00	0.00	0.00					1
XXXX579A	10058	Lone Star Capital Bank ICS	07/12/2021	3,149,595.87	3,149,595.87	3,149,595.87	0.050	0.049	0.050		1
XXXX561A	10060	Lone Star Capital Bank ICS	07/12/2021	468,313.42	468,313.42	468,313.42	0.050	0.049	0.050		1
4001579A	10059	Lone Star Capital Bank MM	07/12/2021	64.96	64.96	64.96					1
4001561A	10061	Lone Star Capital Bank MM	07/12/2021	78.34	78.34	78.34					1
Subtotal and Average				3,886,515.16	3,886,515.16	3,886,515.16		0.049	0.050		1
Total Investments and Average				14,218,710.89	14,218,710.89	14,208,308.53		0.250	0.253		194

Run Date: 01/26/2022 - 15:44

Portfolio LAMP
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Report Ver. 7.3.6.1

Fund CERTS16 - Cert. of Obligation 2016
Investments by Fund
December 31, 2021

CUSIP	Investment #	Issuer	Purchase Date	Book Value	Par Value	Market Value	Current Rate	YTM 360	YTM 365	Maturity Days To Date Maturity
Texpool/Texpool Prime										
14103A	10041	Texpool Prime	11/08/2016	144,792.81	144,792.81	144,792.81	0.090	0.089	0.090	1
Subtotal and Average				144,792.81	144,792.81	144,792.81		0.089	0.090	1
Total Investments and Average				144,792.81	144,792.81	144,792.81		0.089	0.090	1

Fund ELEC - Electric
Investments by Fund
December 31, 2021

CUSIP	Investment #	Issuer	Purchase Date	Book Value	Par Value	Market Value	Current Rate	YTM 360	YTM 365	Maturity Days To Date Maturity
Bancorp South										
0672	10005	Bancorp South	09/01/2014	361,975.97	361,975.97	361,975.97	0.250	0.246	0.250	1
Subtotal and Average				361,975.97	361,975.97	361,975.97		0.247	0.250	1
TexStar										
17390	10001	TexStar	09/01/2014	1,628,128.30	1,628,128.30	1,628,128.30	0.014	0.013	0.013	1
Subtotal and Average				1,628,128.30	1,628,128.30	1,628,128.30		0.014	0.014	1
Frost Bank										
1732110	10022	Frost Bank Public Checking	01/20/2015	8,115.45	8,115.45	8,115.45				1
Subtotal and Average				8,115.45	8,115.45	8,115.45		0.000	0.000	1
Total Investments and Average				1,998,219.72	1,998,219.72	1,998,219.72		0.058	0.057	1

Fund LEDC - LEDC
Investments by Fund
December 31, 2021

CUSIP	Investment #	Issuer	Purchase Date	Book Value	Par Value	Market Value	Current Rate	YTM 360	YTM 365	Maturity Days To Date Maturity
Bancorp South										
1092	10002	Bancorp South	09/01/2014	660,359.49	660,359.49	660,359.49	0.250	0.246	0.250	1
2363	10003	Bancorp South	09/01/2014	2,601.02	2,601.02	2,601.02	0.250	0.246	0.250	1
Subtotal and Average				662,960.51	662,960.51	662,960.51	0.247	0.250		1
Total Investments and Average				662,960.51	662,960.51	662,960.51	0.247	0.250		1

**Fund SEIZ - Seizures
Investments by Fund
December 31, 2021**

CUSIP	Investment #	Issuer	Purchase Date	Book Value	Par Value	Market Value	Current Rate	YTM 360	YTM 385	Maturity Days To Date Maturity
Bancorp South										
0763	10008	Bancorp South	09/01/2014	17,691.52	17,691.52	17,691.52	0.250	0.246	0.250	1
1999	10009	Bancorp South	09/01/2014	36.06	36.06	36.06				1
Subtotal and Average				17,727.58	17,727.58	17,727.58		0.246	0.249	1
Total Investments and Average				17,727.58	17,727.58	17,727.58		0.246	0.249	1

Fund TRUST - Trust
Investments by Fund
December 31, 2021

CUSIP	Investment #	Issuer	Purchase Date	Book Value	Par Value	Market Value	Current Rate	YTM 360	YTM 365	Maturity Days To Date Maturity
Bancorp South										
6349	10010	Bancorp South	09/01/2014	43,105.25	43,105.25	43,105.25	0.250	0.246	0.250	1
6348	10011	Bancorp South	09/01/2014	29,631.84	29,631.84	29,631.84	0.250	0.246	0.250	1
Subtotal and Average				72,737.09	72,737.09	72,737.09		0.247	0.250	1
Total Investments and Average				72,737.09	72,737.09	72,737.09		0.247	0.250	1

Fund WATER - Water
Investments by Fund
December 31, 2021

CUSIP	Investment #	Issuer	Purchase Date	Book Value	Par Value	Market Value	Current Rate	YTM 360	YTM 365	Maturity Days To Date Maturity
Bancorp South										
1639	10012	Bancorp South	09/01/2014	184,277.82	184,277.82	184,277.82	0.250	0.246	0.250	1
Subtotal and Average				184,277.82	184,277.82	184,277.82	0.247	0.250		1
Total Investments and Average				184,277.82	184,277.82	184,277.82	0.247	0.250		1

**City of Lampasas, Texas
Interest Earnings
Sorted by Fund - Fund
December 1, 2021 - December 31, 2021
Yield on Average Book Value**

Patterson & Associates
901 S. MoPac
Suite 195
Austin, TX 78746

CUSIP	Investment #	Fund	Security Type	Ending Par Value	Beginning Book Value	Average Book Value	Maturity Date	Current Rate	Annualized Yield	Adjusted Interest Earnings		
										Interest Earned	Amortization/ Accretion	Adjusted Interest Earnings
Fund: Cash												
14103	10000	CASH	RR2	1,779,129.15	1,779,072.40	1,779,074.23		0.038	0.038	56.75	0.00	56.75
5001632	10023	CASH	RR5	248,462.57	248,452.02	248,452.36		0.050	0.050	10.55	0.00	10.55
3130APPM1	10062	CASH	FAC	4,000,000.00	4,000,000.00	4,000,000.00	11/22/2023	0.550	0.540	1,833.33	0.00	1,833.33
0474	10004	CASH	RRP	4,551,886.78	4,302,068.85	5,021,158.53		0.250	0.230	980.55	0.00	980.55
3213	10006	CASH	RRP	509.69	509.58	509.58		0.250	0.254	0.11	0.00	0.11
41B7	10007	CASH	RRP	20,670.11	22,681.33	21,245.74		0.250	0.250	4.51	0.00	4.51
XXXX579A	10058	CASH	RR5	3,149,595.87	3,149,462.21	3,149,466.52		0.050	0.050	133.66	0.00	133.66
XXXX561A	10060	CASH	RR5	468,313.42	468,343.54	468,294.18		0.050	0.050	19.88	0.00	19.88
4001561A	10061	CASH	RR5	78.34	43.34	92.86				0.00	0.00	0.00
4001579A	10059	CASH	RR5	64.96	79.96	79.48				0.00	0.00	0.00
			Subtotal	14,218,710.89	13,970,713.23	14,888,373.48			0.244	3,039.34	0.00	3,039.34
Fund: Cert. of Obligation 2016												
14103A	10041	CERTS16	RR2	144,792.81	144,781.69	144,782.05		0.090	0.090	11.12	0.00	11.12
			Subtotal	144,792.81	144,781.69	144,782.05			0.090	11.12	0.00	11.12
Fund: Electric												
17390	10001	ELEC	RR3	1,628,128.30	1,628,109.09	1,628,109.71		0.014	0.014	19.21	0.00	19.21
1732110	10022	ELEC	RR4	8,115.45	8,115.45	8,115.45				0.00	0.00	0.00
0672	10005	ELEC	RRP	361,975.97	360,649.21	361,538.78		0.250	0.250	76.76	0.00	76.76
			Subtotal	1,998,219.72	1,996,873.75	1,997,763.94			0.057	95.97	0.00	95.97
Fund: LEDC												
1032	10002	LEDC	RRP	660,359.49	660,796.47	660,479.92		0.250	0.250	140.24	0.00	140.24
2363	10003	LEDC	RRP	2,601.02	2,600.47	2,600.49		0.250	0.249	0.55	0.00	0.55
			Subtotal	662,960.51	663,396.94	663,080.41			0.250	140.79	0.00	140.79

City of Lampasas, Texas
Interest Earnings
December 1, 2021 - December 31, 2021

CUSIP	Investment #	Fund	Security Type	Ending Par Value	Beginning Book Value	Average Book Value	Maturity Date	Current Rate	Annualized Yield	Adjusted Interest Earnings		
										Interest Earned	Amortization/ Accretion	Adjusted Interest Earnings
Fund: Seizures												
0763	10008	SEIZ	RRP	17,691.52	17,687.76	17,687.88		0.250	0.250	3.76	0.00	3.76
1999	10009	SEIZ	RRP	36.06	36.06	36.06				0.00	0.00	0.00
			Subtotal	17,727.58	17,723.82	17,723.94			0.250	3.76	0.00	3.76
Fund: Trust												
6348	10011	TRUST	RRP	29,631.84	29,625.55	29,625.75		0.250	0.250	6.29	0.00	6.29
6349	10010	TRUST	RRP	43,105.25	43,096.10	43,096.40		0.250	0.250	9.15	0.00	9.15
			Subtotal	72,737.09	72,721.65	72,722.15			0.250	15.44	0.00	15.44
Fund: Water												
1639	10012	WATER	RRP	184,277.82	183,638.73	184,080.31		0.250	0.250	39.09	0.00	39.09
			Subtotal	184,277.82	183,638.73	184,080.31			0.250	39.09	0.00	39.09
			Total	17,296,428.42	17,049,849.81	17,768,526.28			0.222	3,345.51	0.00	3,345.51



City of Lampasas, Texas
Projected Cashflow Report
Sorted by Fund
For the Period January 1, 2022 - July 31, 2022

Patterson & Associates
 901 S. MoPac
 Suite 195
 Austin, TX 78746

Projected Trans. Date	Investment #	Fund	Security ID	Transaction Type	Issuer	Par Value	Original Cost	Principal	Interest	Total
Cash										
02/22/2022	10062	CASH	3130APPM1	Call	FHLB Call Note	4,000,000.00	4,000,000.00	4,000,000.00	0.00	4,000,000.00
05/22/2022	10062	CASH	3130APPM1	Interest	FHLB Call Note	0.00	0.00	0.00	11,000.00	11,000.00
Total for Cash						4,000,000.00	4,000,000.00	4,000,000.00	11,000.00	4,011,000.00
GRAND TOTALS:						4,000,000.00	4,000,000.00	4,000,000.00	11,000.00	4,011,000.00

Run Date: 01/26/2022 - 15:46

Portfolio LAMP
 AP
 PC (PRF_PC) 7.2.0
 Report Ver. 7.3.6.1

Disclosure



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800.817.2442

City of Lampasas

M E M O

To: Mayor and City Council
From: Finley deGraffenried
Re: Manager's Report
Date: 11 February 2022

- CIP** The Capital Improvement Program Committee ("CIP") will meet for the first time in this year's cycle on February 24th. Tentative agenda items include review of identified CIP projects that were funded by City Council, meeting timeline, and review of the Comprehensive Plan implementation action steps. The Committee normally meets once, or twice, a month preparing the CIP Report prior to budget season.
- Ice Storm** As a follow-up to the Winter storm event February 3rd and 4th, staff is pleased to report the City did not experience any weather or grid related electric outages. Trash service was disrupted for the two days, however; was recovered completely this week. A skeleton crew was available to assist residents Thursday and Friday at City Hall, however; staff made the decision to close at 3:00 p.m. on Thursday. Chief Bailey reports there were no automobile accidents in the City, however; two occurred just outside the City limits on 183 south, and 281 south. The Electric Reliability Council of Texas ("ERCOT") maintained adequate reserve generation throughout the event, which peaked at approximately 69,000 MW.
- Skate Park** A public engagement, design kick-off meeting has been scheduled for February 22nd at 6:00 p.m. at the Hostess House for the Campbell Park Skate Park. The purpose of the meeting is to gather input for the design of a new skate park and encourage participation in an online survey. The event has been published on the City's Facebook page, and forwarded to stakeholders. Council is welcome and encouraged to attend.
- Highway Designations** As part of South 281 improvement and reconfiguration, TxDOT has provided the attached resolution to designate Highway 281 and Business 281 as described. The reconfiguration of South 281 to move traffic to the intersection of Key and 183, rather than over the Sulphur Creek Bridge, has been discussed previously by staff, and through public meetings. Staff will place the Resolution on the February 28th meeting to allow the opportunity to seek answers to questions businesses or Council may have.
- Inmate Van** Chris Eicher reports the inmate van, used to transport trustees from Gatesville to Lampasas for Community Service, has been returned to the City. Due to on-going concerns related to COVID-19, and previous infection rates at the Gatesville facility, administrators have indicated the program will cease now and in the future. Staff seeks Council input and direction regarding the sale or auction of the van.

Sales Tax	Sales Tax payments in February, representing December sales, were \$273,522.45, 17.4% better than February 2021 or \$40,422.39 over previous year. The two-month, year to date, improvement is 18.05%, \$499,137.55 compared to \$422,812.98.
Sewer Interceptor	Staff met with consulting engineers regarding the draft Sewer Interceptor Study commissioned by the City in FY 2021. Per the scope, the investigation identified the sewer drainage areas and assessed possible undersized lines. Initially, staff felt, although the draft identified potential areas of concern, additional quantified flows would need to be recorded to evaluate what, if any, action would be required. Staff will continue to work with consultants to gather information on the areas identified. Once the draft is completed, and stamped, it will be presented to Council.
Hanna Springs	Staff will prepare an agenda item for the February 28 th meeting related to improvements to the Hanna Springs fencing and viewing area. As discussed recently with Council and through the FY 2022 budget process, the project calls for the removal of top of the current wall, and the installation of period appropriate fencing. Budget reference from August 13, indicates \$40,000.00 from Fund 40 be available for the project.
Pressure Plane	Staff will be meeting with consulting engineers on Friday to discuss the status of the Upper Pressure Plane study. Due to other City obligations related to the Sewer Treatment Plant, Pre-treatment study, and the need to gather additional data, the study has taken longer to complete than originally envisioned. Council may recall, the study scope included gathering data and making recommendations related to future needs, pressure fluctuations, and impacts from the 580 Sports Complex irrigation. Information will be shared as it becomes available.
Planning Commission	Staff reports the Planning and Zoning Commission has elected a new Chair. Dorothy Person assumed her new role on February 10 th .



LAMPASAS SKATEPARK

DESIGN KICK-OFF MEETING

TUES, FEBRUARY 22ND

6:00 PM - IN PERSON

SURVEY OPEN FEB 22ND - MAR 8TH

**JOIN US FOR A MEETING TO GIVE INPUT ON
THE DESIGN FOR A NEW SKATEPARK IN
LAMPASAS, TX!**

MEETING LOCATION:

"HISTORIC HOSTESS HOUSE"

1406 US-281, LAMPASAS, TX 76550

ONLINE SURVEY (LIVE AFTER MEETING):

tinyurl.com/LampasasSk8Survey



Questions? Email info@spaskateparks.com

Finley deGraffenried

From: Jodie Kelly <Jodie.Kelly@txdot.gov>
Sent: Monday, February 7, 2022 11:46 AM
To: Finley deGraffenried
Subject: US 281

Caution: This email originated from outside of the City's organization. Do not click links nor open attachments unless you recognize the sender and know the content is safe.

Good Morning Mr. deGraffenried,

I'm writing to see if you have time for a phone call sometime today or tomorrow. I would like to discuss with you regarding US Highway 281 and redesignating part of that highway as US 281 Business. The State is asking that we receive support from the City Council for the redesignation by way of a Resolution. I'd like to visit with you about the process and timing required by our District at TxDOT. Thank you for your time, you can reach me at 325-643-0416 or 325-430-2508 at your earliest convenience.

Jodie Kelly, CFM

Planner

Brownwood District Office TP&D
2495 Hwy. 183 N, Brownwood, TX 76802
(w) 325-643-0416, (c) 325-430-2508
Jodie.Kelly@txdot.gov



#EndTheStreakTX



RESOLUTION NO. _____

A RESOLUTION BY THE CITY OF LAMPASAS, TEXAS ("CITY") IN SUPPORT OF THE TEXAS DEPARTMENT OF TRANSPORTATION ("TXDOT") IMPROVEMENTS TO US 281 AND RESULTING RECLASSIFICATION AND REDESIGNATION OF CERTAIN HIGHWAY SEGMENTS IN THE CITY OF LAMPASAS

WHEREAS, The City and TxDOT have enjoyed a long and cooperative relationship and have parallel goals to provide the travelling public safe and efficient routes for motorized traffic; and,

WHEREAS, Central Texas continues to be impacted by increased growth and traffic particularly on US Highways 281, 183 and 190 that all intersect in Lampasas; and,

WHEREAS, A well planned and implemented transportation system improves safety, economic development, connectivity and efficiency for members of the community and travelling public; and,

WHEREAS, TxDOT has proposed to make improvements to the US 281 and US 190 intersection resulting in the redesignation of a portion of US 281 into US 281 Business; US 190 into US 281; and US 183 into US 183/US 190/US 281;

NOW THEREFORE, BE IT RESOLVED THAT THE CITY OF LAMPASAS, CITY COUNCIL supports the following Highway Redesignations and Reclassifications:

1. US 281 (S. US HWY 281) between US 183 (S. Key Avenue) and US 190 (Ohnmeiss Drive) becomes US 281 Business
2. The redesignated US 281 Business between US 183 (S. Key Avenue) and US 190 (Ohnmeiss Drive) is Reclassified from a Principal Arterial to a Minor Arterial and is removed from the National Highway System (NHS) classification
3. US 190 (Ohnmeiss Drive) between US 281 (S. US HWY 281) and US 183 (S. Key Avenue) becomes US 281
4. US 183 (S. Key Avenue) between US 281 (S. US HWY 281) and US 190 (Ohnmeiss Drive) becomes US 183/US 190/US 281

PASSED AND APPROVED by the City Council of the City of Lampasas, Texas this ____ Day of _____, 2022

Mayor
City of Lampasas, Texas

ATTEST:

City Secretary
City of Lampasas, Texas



**S US HWY 281
BETWEEN
S KEY AVE. & OHNMEISS DR.**

EXISTING: US 190/281
PRINCIPAL ARTERIAL
*NHS CLASSIFICATION

PROPOSED: US 281 BUSINESS
MINOR ARTERIAL
REMOVED FROM NHS



**US HWY 190 (OHNMEISS DR)
BETWEEN
S KEY AVE. & S US HWY 281**

EXISTING: US 190

PROPOSED: US 281



**US 183 (S KEY AVE) BETWEEN
S US HWY 281 & US 190**

EXISTING: US 183

PROPOSED: US 183/190/281

*NATIONAL HIGHWAY SYSTEM (NHS) CLASSIFICATION

Redesignate portions of US 281 and US 190 within the City of Lampasas



RESOLUTION ITEMS 1, 2, & 3

- EXISTING US 281
- - - PROPOSED US 281
- - - PROPOSED REDESIGNATION US 281 BUSINESS

RECLASSIFY US 281 BUSINESS FROM PRINCIPAL ARTERIAL TO MINOR ARTERIAL



RESOLUTION ITEM 4

- EXISTING US 190
- - - PROPOSED US 190
- - - PROPOSED US 281



— EXISTING US 183
REMAINS UNCHANGED

FINAL RESULTS

- - - US 281 BUSINESS
- - - US 281
- - - US 190
- US 183

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City Manager

**BUSINESS FOR THE CITY COUNCIL
OF THE
CITY OF LAMPASAS**

ITEM NO 7.1

SUBJECT:

Discussion and possible action regarding a Resolution amending Authorized Signers for Austin Capital Bank, SSB.

REQUESTED BY: Yvonne Moreno, Finance Director

SUBMITTED BY: Yvonne Moreno, Finance Director

DATE SUBMITTED: February 10, 2022 FOR THE AGENDA OF: February 14, 2022

Expenditure Required: N/A

Available Funding: N/A

Attachments: Austin Capital Bank SSB Resolution

SUMMARY STATEMENT:

The City of Lampasas invests local funds with Austin Capital Bank SSB. Any change in authorized signers requires a formal change to the Authorized Representatives of the City. The attached Resolution is their notification requirement for any change. This resolution will name Mayor, TJ Monroe, Mayor Pro-Tem, Chuck Williamson, City Manager, Finley deGraffenried, and City Secretary, Becky Sims.

Recommendation: Staff asks that the attached Resolution that reflects the above changes be approved.

RESOLUTION NO. _____

**A RESOLUTION BY THE CITY OF LAMPASAS, TEXAS, ("CITY") TO AMEND THE
AUTHORIZED SIGNERS FOR AUSTIN CAPITAL BANK, SSB.**

WHEREAS, the City of Lampasas invests local funds in Austin Capital Bank, SSB.

WHEREAS, the City must update the authorized signers on the account with Austin Capital Bank, SSB.

WHEREAS, the City authorizes:

Mayor, TJ Monroe

Mayor Pro-Tem, Charles Williamson

City Manager, Finley deGraffenried

City Secretary, Becky Sims

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

Section 1. That the statements and findings set out in the preamble to this resolution are hereby in all things approved and adopted.

Section 2. That the City will notify the updated authorized signers to Austin Capital Bank, SSB. In accordance with this resolution.

Section 3. The meeting at which this resolution was approved was in all things conducted in compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 4. This resolution shall be effective immediately upon passage.

PASSED AND APPROVED this 14th day of February 2022.

TJ Monroe, Mayor

ATTEST:

Becky Sims, City Secretary



City Manager

ITEM NO. 7.2

**BUSINESS FOR THE CITY COUNCIL
OF THE
CITY OF LAMPASAS**

Subject:

Presentation of the Lampasas Police Department Annual Racial Profiling Report

Requested By: Sammy Bailey, Police Chief

Submitted By: Sammy Bailey, Police Chief

Date Submitted: February 7, 2022

For the Agenda of: February 14, 2022

Procurement and Funding Statement:

N/A

Attachments: 2021 Racial Profiling Report

Summary Statement:

The Lampasas Police Department is required by state law to make a report no later than March 1st each year, to the City Council regarding police contact data for the purpose of identifying and responding (if necessary) to concerns regarding racial profiling practices. The Lampasas Police Department complies with both the letter and the spirit of the laws pertaining to Racial Profiling. The Lampasas Police Department believes it is our legal and moral responsibility to act just in all instances and with all persons. The department has zero tolerance for Racial Profiling and prohibits Racial Profiling. Racial Profiling is an activity that violates the public trust that is vital to our efforts to effective policing.

Recommendation:

To consider a motion to acknowledge delivery and presentation of the report



LAMPASAS POLICE DEPARTMENT

301 East Fourth Street • Lampasas, Texas 76550
512-556-3644 • Fax: 512-556-2838 • email: police@ci.lampasas.tx.us



Sammy Bailey
Chief of Police

Jody Cummings
Asst. Chief of Police

To: Mayor Monroe and City Council Members City of Lampasas
From: Sammy Bailey, Chief of Police
Date: January 1, 2022
Ref: 2021 Racial Profiling Report

The Lampasas Police Department is comprised of a diverse team of 33 individuals. We value the differences and rights of all individuals and believe we should all be treated with dignity and respect in a fair and impartial manner.

You can rest assured knowing that the members of the Lampasas Police Department are committed to our community and fostering continued positive relationships with accessibility, communication, cooperation, trust and transparency between us and those we serve.

We believe that all deserve to live free of racial profiling, police violence and misconduct. We have a custom of strong ethics, integrity, and standards to prevent this from occurring within our department and our community. We work hard to create a balance, with a guardian approach to the protection of our community while understanding and knowing that there are times we have to have a warrior mindset for the survival of others and of self.

We follow the Law Enforcement Oath of Honor with the pledge that we will follow it and do what is said, not just because of the oath but because that is who we are individually as a person with or without our title of being a law enforcement officer or having a badge. We are honorable people/peace officers that believe in the rights of all people.

We continue to strive for excellence to be better leaders and servants to our community, while we protect and do our part to enhance the quality of life for all residents and visitors to our beautiful community of Lampasas. We want our community to be one that reflects the stability and the safety we provide to all- without thought that we would violate an individual's rights while doing so.



Law Enforcement Oath of Honor

**On my honor, I will never betray my integrity,
my character, or the public trust.**

**I will treat all individuals with dignity and respect
and ensure that my actions are dedicated
to ensuring the safety of my community
and the preservation of human life.**

**I will always have the courage to hold myself
and others accountable for our actions.**

**I will always maintain the highest ethical standards
and uphold the values of my community,
and the agency I serve.**

TABLE OF CONTENTS

Introduction

- Letter to Mayor and City Council
- Law Enforcement Oath of Honor
- Table of Contents

The Law

- Texas Occupations Code 1701.164
- Brief History of Racial Profiling
- Texas Commission on Law Enforcement Guidelines Senate Bill 1074
- The Act-SB 1074
- HB 3389 Amendments to 1074 -Modifications to the Original Law
- HB 3051 provides Designations for Racial & Ethnic Categories
- Code of Criminal Procedures 2.131-2.138
- SB 1849-The Sandra Bland Act
- Presidential Executive Order 132929 –Safe Policing for Safe Communities Act
- The George Floyd Act did not pass but it caused Presidential and Legislative changes to include some targeted provisions specific to Floyd's death.
- Statement by President Joe Biden on Police Reform Negotiations
- Article 2.33 Use of Neck Restraints During Search or Arrest Prohibited.
- Art. 2.1387 Intervention Required for Excessive Force; Report Required
- 2021-2022 Code of Criminal Procedures pertaining to current Racial Profiling

Training

- Statement regarding training.
- Basic Peace Officer Course, Chapter 5, Multiculturalism and Human Relations
- Basic Peace Officer Course, Chapter 6, Racial Profiling

Responding To The Law

- Public Education Requirements
- Brochure
- Filing Complaints/Compliments Statement City Webpage
- Racial Profiling/Complaints City Webpage
- Lampasas Police Department Procedures for Handling Personnel Complaints.
- Complaints Received Chart
- Proof of Submission to TCOLE
- Tier 2 Data (Includes Tables)

- U.S. Census Quick Facts-Lampasas, City, County, State of Texas
- Comparative Analysis City of Lampasas Population 2021
- Comparative Analysis State of Texas Population 2021
- Fair Road Standards
- Interpretation and Findings
- Copy of Body Worn Camera Policy
- Copy of Sgt. Sheldon's Review Log
- Conclusion

Texas Occupations Code Section 1701.164

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.

Added by Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 8, eff. September 1, 2009.

Brief of Racial Profiling History

- **September 1, 2001** – The racial profiling law goes into effect.
- **November 6, 2001** – Bond Election: Texans will vote to pass (or not pass) bonds that will pay for video cameras in police vehicles and motorcycles.
- **January 1, 2002** – Law enforcement agencies must have a detailed written policy on racial profiling in place.
- **January 1, 2002** – Police chief and officer training on racial profiling must be established by LEMIT and TCOLE.
- **January 1, 2002** – Law enforcement agencies must begin collecting data as it relates to traffic stops in which a citation is issued.
- **Early 2002** – The Department of Public Safety (DPS) will determine how to disperse the money for video cameras and set deadlines for agencies to apply for monies.
- **Later 2002** – and by DPS deadlines: law enforcement agencies apply for funding to install video cameras in lieu of traffic and pedestrian stops data collection. Agencies must apply for funds, receive funds, and install video or audio equipment in all vehicles and motorcycles or apply for funds, not receive funds, and therefore become exempt from collecting information on traffic and pedestrian stops or prepare to collect data on traffic and pedestrian stops. Lampasas Police Department applied and did not receive funding, we were exempt but continued to collect all data in the Cardinal/Badge Records Management Program.
- **January 1, 2003** – Non-exempt law enforcement agencies begin data collection on traffic and pedestrian stops.
- **March 1, 2003** – Information collected on traffic citations issued during calendar year 2002 must be submitted to the local governing board. This may be city council or the county commissioners' court.
- **September 1, 2003** – By this date law enforcement administrators and officers must complete racial profiling training.
- **March 1, 2004** – Law enforcement agencies will report traffic and pedestrian stops data to local governing board.
- 2009-the racial profile report included a disparity test-analysis of information. Civil Penalties added.
- **2017-the Sandra Bland Act** was passed and signed into law. The Sandra Bland law requires law enforcement agencies to collect additional data and provide a more detailed analysis. HB 3051-added new racial and ethnic designations.
- **Presidential Executive Order 132929**
- **2021 The George Floyd Justice Policing Act**-The George Floyd Justice in Policing Act is the first-ever bold, comprehensive approach to hold police

accountable, end racial profiling, change the culture of law enforcement, empower our communities, and build trust between law enforcement and our communities by addressing systemic racism and bias to help save lives. The Justice in Policing Act would: 1) establish a national standard for the operation of police departments; 2) mandate data collection on police encounters; 3) reprogram existing funds to invest in transformative community-based policing programs; and 4) streamline federal law to prosecute excessive force and establish independent prosecutors for police investigations. Although it did not pass their some good things that came from it, such as the Presidential Executive Order and Legislative changes.

TCOLE GUIDELINES SENATE BILL 1074

Background

Senate Bill 1071 of the 77th Legislature established requirements in the Texas Code of Criminal Procedures (TCCP) for law enforcement agencies. The Texas Commission on Law Enforcement Standards and Education 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 was adopted and implemented prior to 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 the 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(s) 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 the 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 suspect, 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 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 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 at 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 having 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;

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

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

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

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

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

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

(10) 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. Repealed 2017

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). Repealed 2017

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:

(f) 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) the date of conviction; and

(9) 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

Texas Racial Profiling Law

Code of Criminal Procedure Art. 2.131. RACIAL PROFILING PROHIBITED. **A peace officer may not engage in racial profiling.**

Code of Criminal Procedure 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.***

Added by Acts 2001, 77th Leg., ch. 947, Sec. 2, eff. Sept. 1, 2001.

Code of Criminal Procedure 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 motor vehicle 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 the following categories:

(A) Alaska native or American Indian;

(B) Asian or Pacific Islander;

(C) black;

(D) white; and

(E) Hispanic or Latino.

(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;

(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.

(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 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.

(e) A report required under Subsection (b)(7) may not include identifying information about a peace officer who makes a motor vehicle 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.

(g) On a finding by the Texas Commission on Law Enforcement 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.

(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.

Code of Criminal Procedure Art. 2.133. REPORTS REQUIRED FOR MOTOR VEHICLE STOPS.

(a) In this article, "race or ethnicity" has the meaning assigned by Article [2.132\(a\)](#).

(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;

(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.

Code of Criminal Procedure Art. 2.134. COMPILATION AND ANALYSIS OF INFORMATION COLLECTED. (a) In this article:

(1) "Motor vehicle stop" has the meaning assigned by Article [2.132\(a\)](#).

(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 law enforcement agency shall submit a report containing the incident-based data compiled during the previous calendar year to the Texas Commission on Law Enforcement 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.

(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:

[2.133](#) to:

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

(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; 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.

(d) A report required under Subsection (b) may not include identifying information about a peace officer who makes a motor vehicle 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 Texas Commission on Law Enforcement, in accordance with Section [1701.162](#), Occupations Code, 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.

(g) On a finding by the Texas Commission on Law Enforcement 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.

Code of Criminal Procedure 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](#).

Code of Criminal Procedure 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, 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. 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, 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, 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 video and audio equipment and body worn cameras for those purposes.

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

Code of Criminal Procedure 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 an amount not to exceed \$5,000 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.

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 [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

Amend CSHB 3389 (Senate committee report) as follows: Copied and pasted as is.

(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 [~~traffie~~] 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 [~~traffie~~] stops in which a citation is issued and to arrests made as a result of [~~resulting from~~] those [~~traffie~~] 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~~+~~

~~[+]~~"~~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.

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[~~r~~] 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 this Act is governed by the law in effect when the personal bond was 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 nonsubstantive 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:

(j) As part of the minimum curriculum requirements, the 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.

ARTICLE 6. EFFECTIVE DATE

SECTION 6.01. Except as otherwise provided by this Act, this Act takes effect September 1, 2017.

President of the Senate

Speaker of the House

Safe Policing for Safe Communities

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. Purpose. As Americans, we believe that all persons are created equal and endowed with the inalienable rights to life and liberty. A fundamental purpose of government is to secure these inalienable rights. Federal, State, local, tribal, and territorial law enforcement officers place their lives at risk every day to ensure that these rights are preserved.

Law enforcement officers provide the essential protection that all Americans require to raise their families and lead productive lives. The relationship between our fellow citizens and law enforcement officers is an important element in their ability to provide that protection. By working directly with their communities, law enforcement officers can help foster a safe environment where we all can prosper.

Unfortunately, there have been instances in which some officers have misused their authority, challenging the trust of the American people, with tragic consequences for individual victims, their communities, and our Nation. All Americans are entitled to live with the confidence that the law enforcement officers and agencies in their communities will live up to our Nation's founding ideals and will protect the rights of all persons. Particularly in African-American communities, we must redouble our efforts as a Nation to swiftly address instances of misconduct.

The Constitution declares in its preamble that one of its primary purposes was to establish Justice. Generations of Americans have marched, fought, bled, and died to safeguard the promise of our founding document and protect our shared inalienable rights. Federal, State, local, tribal, and territorial leaders must act in furtherance of that legacy.

Sec. 2. Certification and Credentialing. (a) State and local law enforcement agencies must constantly assess and improve their practices and policies to ensure transparent, safe, and accountable delivery of law enforcement services to their communities. Independent credentialing bodies can accelerate these assessments, enhance citizen confidence in law enforcement practices,

and allow for the identification and correction of internal deficiencies before those deficiencies result in injury to the public or to law enforcement officers.

(b) The Attorney General shall, as appropriate and consistent with applicable law, allocate Department of Justice discretionary grant funding only to those State and local law enforcement agencies that have sought or are in the process of seeking appropriate credentials from a reputable independent credentialing body certified by the Attorney General.

(c) The Attorney General shall certify independent credentialing bodies that meet standards to be set by the Attorney General. Reputable, independent credentialing bodies, eligible for certification by the Attorney General, should address certain topics in their reviews, such as policies and training regarding use-of-force and de-escalation techniques; performance management tools, such as early warning systems that help to identify officers who may require intervention; and best practices regarding community engagement. The Attorney General's standards for certification shall require independent credentialing bodies to, at a minimum, confirm that:

(i) the State or local law enforcement agency's use-of-force policies adhere to all applicable Federal, State, and local laws; and

(ii) the State or local law enforcement agency's use-of-force policies prohibit the use of chokeholds—a physical maneuver that restricts an individual's ability to breathe for the purposes of incapacitation—except in those situations where the use of deadly force is allowed by law.

(d) The Attorney General shall engage with existing and prospective independent credentialing bodies to encourage them to offer a cost-effective, targeted credentialing process regarding appropriate use-of-force policies that law enforcement agencies of all sizes in urban and rural jurisdictions may access.

Sec. 3. Information Sharing. (a) The Attorney General shall create a database to coordinate the sharing of information between and among Federal, State, local, tribal, and territorial law enforcement agencies concerning instances of excessive use of force related to law enforcement matters, accounting for applicable privacy and due process rights.

(b) The database described in subsection (a) of this section shall include a mechanism to track, as permissible, terminations or de-certifications of law enforcement officers, criminal convictions of law enforcement officers for on-duty conduct, and civil judgments against law enforcement officers for improper use of force. The database described in subsection (a) of this section shall account for instances where a law enforcement officer resigns or retires while under active investigation related to the use of force. The Attorney General shall take appropriate steps to ensure that the information in the database consists only of instances in which law enforcement officers were afforded fair process.

(c) The Attorney General shall regularly and periodically make available to the public aggregated and anonymized data from the database described in subsection (a) of this section, as consistent with applicable law.

(d) The Attorney General shall, as appropriate and consistent with applicable law, allocate Department of Justice discretionary grant funding only to those law enforcement agencies that submit the information described in subsection (b) of this section.

Sec. 4. *Mental Health, Homelessness, and Addiction.* (a) Since the mid-twentieth century, America has witnessed a reduction in targeted mental health treatment. Ineffective policies have left more individuals with mental health needs on our Nation's streets, which has expanded the responsibilities of law enforcement officers. As a society, we must take steps to safely and humanely care for those who suffer from mental illness and substance abuse in a manner that addresses such individuals' needs and the needs of their communities. It is the policy of the United States to promote the use of appropriate social services as the primary response to individuals who suffer from impaired mental health, homelessness, and addiction, recognizing that, because law enforcement officers often encounter such individuals suffering from these conditions in the course of their duties, all officers should be properly trained for such encounters.

(b) The Attorney General shall, in consultation with the Secretary of Health and Human Services as appropriate, identify and develop opportunities to train law enforcement officers with respect to encounters with individuals suffering from impaired mental health, homelessness, and addiction; to increase the capacity of social workers working directly with

law enforcement agencies; and to provide guidance regarding the development and implementation of co-responder programs, which involve social workers or other mental health professionals working alongside law enforcement officers so that they arrive and address situations together. The Attorney General and the Secretary of Health and Human Services shall prioritize resources, as appropriate and consistent with applicable law, to support such opportunities.

(c) The Secretary of Health and Human Services shall survey community-support models addressing mental health, homelessness, and addiction. Within 90 days of the date of this order, the Secretary of Health and Human Services shall summarize the results of this survey in a report to the President, through the Assistant to the President for Domestic Policy and the Director of the Office of Management and Budget, which shall include specific recommendations regarding how appropriated funds can be reallocated to support widespread adoption of successful models and recommendations for additional funding, if needed.

(d) The Secretary of Health and Human Services shall, in coordination with the Attorney General and the Director of the Office of Management and Budget, prioritize resources, as appropriate and consistent with applicable law, to implement community-support models as recommended in the report described in subsection (c) of this section.

Sec. 5. *Legislation and Grant Programs.* (a) The Attorney General, in consultation with the Assistant to the President for Domestic Policy and the Director of the Office of Management and Budget, shall develop and propose new legislation to the Congress that could be enacted to enhance the tools and resources available to improve law enforcement practices and build community engagement.

(b) The legislation described in subsection (a) of this section shall include recommendations to enhance current grant programs to improve law enforcement practices and build community engagement, including through:

(i) assisting State and local law enforcement agencies with implementing the credentialing process described in section 2 of this order, the reporting described in section 3 of this order, and the co-responder and community-support models described in section 4 of this order;

(ii) training and technical assistance required to adopt and implement improved use-of-force policies and procedures, including scenario-driven de-escalation techniques;

(iii) retention of high-performing law enforcement officers and recruitment of law enforcement officers who are likely to be high-performing;

(iv) confidential access to mental health services for law enforcement officers; and

(v) programs aimed at developing or improving relationships between law enforcement and the communities they serve, including through community outreach and listening sessions, and supporting non-profit organizations that focus on improving stressed relationships between law enforcement officers and the communities they serve.

Sec. 6. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

Start Printed Page 37328

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

A large, stylized handwritten signature in black ink, appearing to be 'Donald Trump', is centered on the page. The signature is written in a cursive, somewhat jagged style with prominent vertical strokes.

THE WHITE HOUSE, June 16, 2020. Filed 6-18-20; 11:15 am]

[FR Doc. [2020-13449](#)

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[BRIEFING ROOM](#)

Statement By President Joe Biden On Police Reform Negotiations

SEPTEMBER 22, 2021 • [STATEMENTS AND RELEASES](#)

The murder of George Floyd is a stain on the soul of America. It spurred the nation to collectively demand justice, and we will be remembered for how we responded to the call. That is why I strongly supported the House-passed George Floyd Justice in Policing Act and have long urged the Senate to join in passing meaningful police reform legislation that includes accountability when law enforcement officers violate their oaths. I am deeply grateful to Senator Cory Booker and Congresswoman Karen Bass for working tirelessly with the White House, the civil rights community, and leading law enforcement groups, and for their relentless efforts to negotiate a bipartisan bill in the Senate that is worthy of George Floyd's legacy. Regrettably, Senate Republicans rejected enacting modest reforms, which even the previous president had supported, while refusing to take action on key issues that many in law enforcement were willing to address.

I still hope to sign into law a comprehensive and meaningful police reform bill that honors the name and memory of George Floyd, because we need legislation to ensure lasting and meaningful change. But this moment demands action, and we cannot allow those who stand in the way of progress to prevent us from answering the call. That is why my Administration has already taken important steps, with the Justice Department announcing new policies on chokeholds, no-knock warrants, and body cameras. In the coming weeks, we will continue to work with Senator Booker, Congresswoman Bass, and other members of Congress who are serious about meaningful police reform. The White House will continue to consult with the civil rights and law enforcement communities, as well as victims' families to define a path forward, including through potential further executive actions I can take to advance our efforts to live up to the American ideal of equal justice under law.

Texas Legislature passed several laws regarding police reform.

The mission of the Lampasas Police Department is the preservation of life, property and to preserve the peace.

Art. 2.33 Use of Neck Restraints During Search or Arrest Prohibited.

A peace officer may not intentionally use a choke hold, carotid artery hold, or similar neck restraint in searching or arresting a person unless the restraint is necessary to prevent serious bodily injury to or the death of the officer or another person. Added by Acts 2021, Texas Acts of the 87th Leg.

Art. 2.1387 Intervention Required For Excessive Force; Report Required.

(a) A peace officer has a duty to intervene to stop or prevent another peace officer from using force against a person suspected of committing an offense if:

(1) the amount of force exceeds that which is reasonable under the circumstances; and

(2) the officer knows or should know that the other officer's use of force:

(A) violates state or federal law;

(B) puts a person at risk of bodily injury, as that term is defined by Section 1.07, Penal Code, and is not immediately necessary to avoid imminent bodily injury to a peace officer or other person; and

(C) is not required to apprehend the person suspected of committing an offense.

(b) A peace officer who witnesses the use of excessive force by another peace officer shall promptly make a detailed report of the incident and deliver the report to the supervisor of the peace officer making the report.

Article 2.133 Reports Required for Motor Vehicle Stops states the law enforcement agency shall report (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.

Texas Criminal Code of Procedure 2021-2022

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 the county, municipality, or other political subdivision of the state, that employs peace officers who make motor vehicle 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 and ethnicity" means the following categories:

(A) Alaskan native or American Indian;

(B) Asian or Pacific Islander;

(C) black;

(D) white; and

(E) Hispanic or Latino

(b) Each law enforcement agency in this state shall adopt a detail 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 and complaint process, including providing a 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;

(C) whether the peace officer knew the race or ethnicity of the individual detained before detaining the 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.

(c) The data collected as a result of a 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 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.

(e) A report required under Subsection (b)(7) may not include identifying information about a peace officer who makes a motor vehicle 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.

(g) On a finding by the Texas Commission on Law Enforcement 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.

(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.

Article 2.133. Reports Required for Motor Vehicle Stops

(a) In this article, "race and ethnicity" has the meaning assigned by Article 2.132(a).

(b) A peace officer who stops a motor vehicle for an alleged violation of 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 the violation of the Penal Code, a violation of traffic law or ordinance, or an outstanding warrant and a state of the offense charged;

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

(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 a term 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 reported.

Art. 2.134 Compilation and Analysis of Information Collected.

(a) In this article:

(1) "Motor Vehicle stop" has the meaning as assigned by Article 2.132(a).

(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 law enforcement agency shall submit a report containing the incident based data compiled during the previous calendar year to the Texas Commission on Law Enforcement 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.

(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.

(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 the motor vehicles 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.

(d) A report required under Subsection (b) may not include identifying information about a peace officer who made a motor vehicle 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 Texas Commission on Law Enforcement, in accordance with Section 1701.162; Occupations Code, 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.

(g) On a finding by the Texas Commission on Law Enforcement 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.

Art. 2.135 Partial Exemption for Agencies Using Video and Audio Equipment.

Repealed

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 in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras, 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 vehicles and motorcycles or equipping peace officers with body worn cameras. The collaboration may include the use of 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, 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 purposes.

(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, the governing body of 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 the video and audio equipment and body worn cameras for those purposes.

Art. 2.138 Rules.

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

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 civil penalty in an amount not to exceed \$5,000 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 \$1,000.00 per violation.

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

Art. 2.1387 Intervention Required for Excessive Force: Report required.

(a) A peace officer has a duty to intervene to stop or prevent another peace officer from using force against a person suspected of committing an offense if:

(1) the amount of force exceeds that which is reasonable under the circumstances; and

(2) the officer knows or should know that the other officer's use of force:

(A) violates state or federal law;

(B) puts a person at risk of bodily injury, as that term is defined by Section 1.07, Penal Code, and is not immediately necessary to avoid imminent bodily injury to a peace officer or other person; and

(C) is not required to apprehend the person suspected of committing an offense.

(b) A peace officer who witnesses the use of excessive force by another peace officer shall promptly make a detailed report of the incident and deliver the report to the supervisor of the peace officer making the report.

Tex. Code Crim. Proc. § 2.1387

Added by Acts 2021, Texas Acts of the 87th Leg. - Regular Session, ch. TBD, Sec. 1, eff. 9/1/2021.

Racial Profiling Training

Officers are responsible for adhering to all Texas Commission on Law Enforcement (TCOLE) training and the Law Enforcement Management Institute of Texas (LEMIT) requirements, as mandated by law.

A basic peace officer has part of their Basic Peace Officer Academy, (1) Multiculturalism and Human Relations and (2) Racial Profiling.

All officers shall complete a TCOLE training and education program on racial profiling not later than: (1) the second anniversary of the date of the officer is licensed under Chapter 1701 of the Texas Occupations Code; or (2) the date the officer applies for an intermediate proficiency certificate, whichever is earlier. A person who, on September 1, 2001, held a TCLEOSE/TCOLE intermediate proficiency certificate or who had held a peace officer license issued by TCLEOSE/TCOLE for at least two years, shall complete a TCLEOSE/TCOLE training and education program on racial profiling not later than September 1, 2003.

The Chief of Police, as a part of the initial training and continued education for such appointment, will be required to attend the LEMIT program on racial profiling. An individual appointed or elected as a Police Chief before the effective date of this Act shall complete the program on racial profiling established pursuant to Subsection (j), Section 96.641, and Texas Education Code.

Unit Goal: Racial Profiling and the Law

6.1. Identify the legislative requirements placed upon peace officers and law enforcement agencies regarding racial profiling.

Instructor note: Refer to Racial Profiling Requirements at Appendix A: Law Requirements.

Code of Criminal Procedure	
Art. 3.05	Racial Profiling
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. 2.136	Liability
Art. 2.137	Provision of Funding or Equipment
Art. 2.138	Rules
Art. 2.1385	Civil Penalty
Education Code	
Sec. 96.641 (a) (k)	Initial Training and Continuing Education for Police Chiefs and Command Staff
Occupations Code	
Sec. 1701.253 (c) (h)	School Curriculum
Sec. 1701.402 (e)	Proficiency Certificates
Transportation Code	
Sec. 543.202 (a)	Form of Record

6.2. Write the adopted department policy on racial profiling.

- Written departmental policies
 - Definition of what constitutes racial profiling
 - Prohibition of racial profiling
 - Complaint process
 - Public education
 - Corrective action
 - Collection of traffic-stop statistics
 - Annual reports
- Not prima facie evidence
- Feasibility of use of video equipment
- Data does not identify officer
- Copy of complaint-related video evidence to officer in question
- Vehicle stop report
 - Physical description of detainees: gender, race, or ethnicity
 - Alleged violation

- Consent to search
- Contraband
- Facts supporting probable cause
- Arrest
- Warning or citation issued
- Compilation and analysis of data
- Officer non-liability
- Funding
- Training in racial profiling
 - Police chiefs
 - All holders of intermediate certificate

INSTRUCTOR NOTE: Share, review, and discuss the following information with the students.

- Appendix B: Sample General Order (Texas Police Chiefs Association Best Practices)
- Appendix C: New Racial Profiling Report Sample
 - Racial Profiling Report—full report

Note: Please have students review the format and if their agency is currently capturing the new data points, please review their 2019 Racial Profiling Report. This new data is required to be collected for all traffic stops beginning January 1, 2021, and will be required for all future Racial Profiling reports. The new report can be found in their agency's TCLEDDS account.

- Review Appendix D: 2019 Racial Profiling Report Sample
 - TCOLE Racial Profiling Report Sample (2019)

6.3. Explain Supreme Court decisions and other court decisions regarding traffic stops and prohibited racial profiling.

- Supreme court cases
 - Whren v. United States, 517 U.S. 806, 116 S. Ct. 1769 (1996)
 - Terry v. Ohio, 392 U.S. 1, 88 S. Ct. 1868 (1968)
- Other cases
 - Pennsylvania v. Mimms, 434 U.S. 106, 98 S. Ct. 330 (1977)
 - Maryland v. Wilson, 519 U.S. 408, 117 S. Ct. 882 (1997)
 - Graham v. State, 119 Md. App 444, 705 A.2d 82 (1998)
 - Pryor v. State, 122 Md. App. 671 (1997), cert. denied 352 Md. 312, 721 A.2d 990 (1998) (other citations omitted)
 - Ferris v. State, 355 Md. 356, 735 A.2d 491 (1999)
 - New York v. Belton, 453 U.S. 454 (1981)
- Recent cases
 - Brendlin v. California, 551 U.S. 249, 127 S. Ct. 2400 (2007)
 - Virginia v. Moore, 553 U.S. 164, 128 S. Ct. 1598 (2008)
 - Arizona v. Johnson, 555 U.S. 323, 129 S. Ct. 781 (2009)

Instructor note: Review select court decisions on traffic stops (Review rule, read facts, discuss issue, and Interpret conclusion.) You can find resource on LexisNexis.

Unit Goal: Racial Profiling and the community.

6.4. Explain the legal, ethical, and moral responsibilities against racial profiling.

- Declaration of Independence
- Fourth Amendment
- U.S. Constitution Preamble
- Pledge of Allegiance
- Texas Constitution (Article 1. Bill of Rights, Section 9. Search and Seizure)
- Holy Bible

6.5. Identify logical and social arguments against racial profiling.

- There are appropriate reasons for unusual traffic stops (suspicious behavior, the officer's intuition etc.), but police work must stop short of cultural stereotyping and racism.
- 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.
- Racial profiling is self-fulfilling bad logic: if you believe that minorities committed more crimes, then you might look for more minority criminals, and find them in disproportionate numbers.
- 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.
- 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.

Racial profiling is wrong and will not be tolerated: Racial profiling sends the dehumanizing message to our citizens that they are judged by the color of their skin and harms the criminal justice system by eviscerating the trust necessary for law enforcement to effectively protect our communities.

Police cannot ascribe certain behavior traits to a person, or a group merely based on their race or ethnic background. If police action is taken, it must be because the person in question has violated a law, not because he or she is of a particular race, ethnicity, or gender. Police can only intervene based on what people do, not on what they look like.

SCENARIO: A police officer parked on the side of a highway notices that nearly all vehicles are exceeding the posted speed limit. The officer's attention is immediately drawn to an older SUV travelling slower than the other vehicles on the highway yet at the posted speed limit. Contained within this SUV are 4 young bearded Middle Eastern men each wearing a "Keffiyeh" (Arabic headdress). The officer initiates a traffic stop based on only a "feeling" as a pretext to further investigate. Would this situation be considered, "racial profiling?"

Instructor note: Student must articulate that in connection with an initiative to prevent terrorist activity, law enforcement authorities may not target members of any race or religion as suspects based on a generalized assumption that members of that race or religion are more likely than non-members to be involved in such activity.

Instructor note: Display one (or both) of the following TEDx Talks videos on YouTube as applicable.

- How Racial Profiling Hurts Everyone, Including the Police (10:37)
https://www.youtube.com/watch?v=LCX_Th-ljjE
- Policing the Bridge (8:32) <https://www.youtube.com/watch?v=lz7fva40Qzo>

Unit Goal: Racial Profiling versus Reasonable Suspicion

6.6. Identify elements of typical racially motivated traffic stops.

- Definition
Racial Profiling: a law enforcement-initiated action based solely on an individual's race, ethnicity, and/or national origin, rather than on the individual's behavior and/or information tending to identify the individual as having engaged in criminal activity.
- Examples of racial profiling include, but are not limited to, the following:
 - Citing a driver who is speeding in a stream of traffic where most other drivers are speeding, solely because of the cited driver's race, ethnicity, or national origin.
 - Stopping or detaining the driver of a vehicle solely based on the determination that a person of that race, ethnicity, or national origin is unlikely to own or possess that specific make or model of vehicle.
 - Stopping or detaining a person solely based on the determination that a person of that race, ethnicity, or national origin does not belong in a specific geographic area or a specific place.
- A typical traffic stop resulting from racial profiling:
 - The vehicle is stopped based on a minor or contrived traffic violation which is used as a pretext for closer inspection of the vehicle, driver, and passengers.
 - The driver and passengers are questioned about things that do not relate to the traffic violation.
 - The driver and passengers are ordered out of the vehicle.
 - The officers visually check all observable parts of the vehicle.
 - The officers proceed on the assumption that drug courier work is involved by detaining the driver and passengers by the roadside.
 - 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.).

6.7. List the elements of legal contact with drivers and occupants of vehicles.

- Voluntary encounter: no suspicion
- Temporary detention “Terry Stop”: **Reasonable suspicion required**
 - Theories for stop
 - Traffic Violations
 - “Pretext” Stops
 - Community Caretaking
 - Citizen Calls
 - Roadblocks/checkpoints
 - Temporary detention options
 - Detain individual for a reasonable period of time to satisfactorily account for his activity.
 - Interview (No “Miranda Warning” is required)
 - Make reasonable investigative inquiries, i.e., request identity, reason for being in area, explanation of suspicious conduct.
 - Seek consent for pat down or search.
 - Transport detainee to possible crime scene.
- Arrest: Probable cause required
 - Reasonable Suspicion/Probable Cause
 - Reasonable Suspicion
 - An officer can briefly detain an individual or make a traffic stop if there is reasonable suspicion a person committed a crime, is currently committing a crime, or plans to engage in criminal activity—based on certain facts or circumstances. Having a gut feeling or a hunch does not qualify as reasonable suspicion.
 - There must be reasonable suspicion in any type of criminal case, including traffic offenses and driving while intoxicated (DWI). Examples of actions that may establish reasonable suspicion to stop someone for DWI who is driving include:
 - weaving,
 - frequent braking,
 - drifting between lanes,
 - driving without headlights at night
 - following too closely (tailgating)
 - slow response to traffic or officer’s signals
 - Probable Cause
 - An officer can make an arrest or conduct a search or seizure if probable cause is established. To prove probable cause, law enforcement must demonstrate there are facts or evidence that would lead a reasonable person to believe that a crime has been committed, is being committed, or will be committed in the future.
 - Making an illegal turn, having a taillight out and expired registration are probable cause reasons for a vehicle stop against the transportation code.

A higher standard is required to establish probable cause than reasonable suspicion. It cannot be shown based on an officer's suspicions or guesses. It must be based on facts and hard evidence. In some cases, sufficient probable cause can develop after the police detain someone based on reasonable suspicion.

There are many ways that the police can establish probable cause to arrest an individual. Examples include smelling alcohol or drugs on them, seeing evidence, such as a gun, drugs, or stolen property, in plain view, or an admission of guilt.

6.8. Describe the various basis for vehicle stops based on the legal standard.

- **Officer's Mistake of Fact/Law Will Not Make Stop Illegal**
 - State v. Varley, No. 02-15-00076-CR, 2016 WL 4540491 (Tex. App. Fort Worth 2016)
 - Officer's mistaken belief that defendant violated statute by driving with only one functioning brake light was reasonable. Because the mistake of law was "reasonable" it provided sufficient reasonable suspicion to justify the traffic stop.
- **Information from Citizen/Police Radio/Anonymous Call**
 - Chrisman v. State, No. 06-16-00179-CR, 2017 Tex. App. LEXIS 2785, 2017 WL 2118968 (Tex. App. Texarkana 2017)
 - This stop was based solely on a 9-1-1 call from a bartender who stated an intoxicated person had just driven away from the bar after being denied service and who refused to take a cab. The defendant argued the stop was improper based on a conclusory statement made by the bartender. The court properly denied the defendant's motion to suppress even if the statement from the bartender was conclusory it was sufficiently corroborated by other details. For example, when the bartender called 9-1-1, he gave his name, phone number and identified himself as the bartender at the establishment. The court found him to be reliable. Furthermore, the court found the information provided to the dispatcher by the bartender to be sufficiently corroborated by additional details from which the dispatcher could have surmised from the bartender.
- **Bad Driving/Conduct Need Not Equal Criminal Offense**
 - Derichsweiler v. State, 348 S.W.3d 906 (Tex. Crim. App. 2011), S. Ct. cert. denied, Oct. 3, 2011.
 - The defendant was reported to be stopping next to vehicles in parking lots and staring at the occupants of those vehicles. That conduct resulted in a 9-1-1 call which ended with the detention and arrest of the defendant. The issue: was the defendant's non-criminal behavior enough to justify an investigative stop without reasonable suspicion of a particular offense? The Court said yes, pointing out there is no requirement to point to a particular offense, but rather reasonable suspicion he was about to engage in criminal activity.
- **"Community Care-Taking Function" (CCF)**

- Wright v. State, 7 S.W.3d 148 (Tex. Crim. App. 1999) re’f’d on remand, 18 S.W.3d 245 (Tex. App. Austin 2000, pet. re’f’d).
- The case came to the Court of Criminal Appeals when the Austin Court of Appeals failed to apply the “community care-taking function” in holding the stop in this case to be unreasonable. The basis for the stop was the officer observed a passenger in the vehicle vomiting out of a car window. The Court of Appeals did not believe that concept covered a passenger’s actions. The Court of Criminal Appeals held the exception could apply to these facts and listed four factors that are relevant in determining when community caretaking provides a sufficient basis for a traffic stop.
 - the nature and level of distress exhibited by the individual
 - the location of the individual
 - whether the individual was alone and/or had access to assistance independent of that offered by the officer; and
 - to what extent the individual—if not assisted—presented a danger to himself or others.

The court added that, “as part of his duty to ‘serve and protect’ a police officer may stop and assist an individual whom a reasonable person—given the totality of the circumstances—would believe is in need of help.” The case was remanded back to the Court of Appeals which in 18 S.W.3d 245 (Tex. App. Austin 2000) applied the above-mentioned factors and found the stop to be unreasonable. (**INSTRUCTOR NOTE:** Open this case and review with students the court’s reasoning behind finding the stop unreasonable.) <https://caselaw.findlaw.com/tx-court-of-appeals/1495874.html>

- Officer’s Arrest Authority When Outside Jurisdiction
 - For A Traffic Offense:
 - Stops made before 9-01-05 = NO
 - State v. Kurtz, 152 S.W.3d 72 (Tex. Crim. App. 2004) An officer of a municipal police department does not have authority to stop a person for committing a traffic offense when the officer is in another city within the same county.
 - Stops made after 9-01-05 = YES
 - CCP Article 14.03 (g) (1). Authorizes a municipal police officer to make a warrantless arrest for a traffic offense that occurs anywhere in the county or counties in which the officer’s municipality is located.
- Note:** This legislative change effectively overrules the Kurtz case listed above.
- Operating Vehicle in Unsafe Condition
 - State v. Kloecker, 939 S.W.2d 209 (Tex. App. Houston [1st Dist.] 1997, no pet.)
 - Trial judge held there was insufficient basis for the stop. Court of Appeals reversed holding the officer observed the defendant was driving on a tireless metal wheel and knew this constituted the traffic offense of driving a vehicle on a highway in an unsafe condition.
- Rapid Acceleration/Spinning Tires

- YES. *Fernandez v. State*, 306 S.W.3d 354 (Tex. App. Fort Worth 2010, no pet.)
Officer heard defendant's pickup loudly squeal its tires and saw light smoke coming from the tires as the pickup fishtailed about two feet outside its lane of traffic supporting officer's opinion that what he observed constituted reckless driving and supported the stop. This was so although there were no vehicles directly around defendant's vehicle though there was testimony there were other vehicles in the area.
- NO. *State v. Guzman*, 240 S.W.3d 362 (Tex. App. Austin 2007, pet. ref'd).
The spinning motion of one tire of defendant's truck as truck began to move from a stop after a traffic light turned green did not alone give police officer reasonable suspicion the defendant was unlawfully exhibiting acceleration in violation of statute pertaining to racing on highways, and thus officer's stop of defendant's vehicle on that basis was unlawful.
- Approaching A Vehicle That is Already Stopped
 - *Murray v. State*, No. 07-13-00356-CR, 2015 WL 6937922 (Tex. App. Amarillo 2015)
 - At 1:00 a.m. officer saw Defendant's vehicle parked parallel to road, partially on improved road and partially in driveway next to closed fireworks stand which had been the location of a previous burglary. Officer parked behind vehicle and walked up to closed car window and knocked and yelled to get Defendant to wake up. Officer finally got defendant to awake, and encounter led to arrest for DWI. In response to defense argument that this was an illegal stop, Court held this was a voluntary encounter. Even though officer testified the Defendant was not going to be allowed to leave once he approached the car this subjective intent regarding whether he could leave is only relevant when it is in some way communicated to the citizen, which was lacking in this case.

Instructor note: Resource: TDCAA Basis for Vehicle Stop-Legal Standard

<https://www.tdcaa.com/resources/dwi/jessica-fraziers-dwi-case-law/v-basis-for-vehicle-stop-legal-standard/>

Scenario: A homeowner in an exclusive small suburban neighborhood noticed a late model maroon Range Rover with an out of state vehicle registration. The vehicle was occupied by two Black males in their early 20's. The homeowner reported this Range Rover as suspicious activity to the local law enforcement agency. This neighborhood is predominately an established one and most of the neighbors know each other.

Fear of crime had created a deliberate neighborhood cooperative effort for assertive and proactive crime prevention with the local department. Residents had been encouraged to report even minor suspicious activity to law enforcement.

A nearby officer/deputy responded to this "suspicious" vehicle call and quickly encountered the maroon Range Rover. The officer/deputy did not observe any traffic or other law violations. Should the officer/deputy activate his overhead lights, detain, and identify the vehicle's occupants to ease neighborhood concerns?

Discuss the below topics of interest in reference to the scenario above.

- Student must be able to ascertain if a civilian's report of suspicious activity creates a reason to detain and identify the Range Rover's occupants? (Not necessarily. The deputy should consider the totality of all objectively reasonable observations. A civilian's suspicion should not be ignored but neither is it a free reason to stop without just legal cause.)
- Student should be able to articulate if there was probable cause for a detention? (No. In this case, no law was broken and unless the deputy sees articulable reasonable suspicions one cannot detain. See CCP 14.03.)
- Student should be able to answer if a traffic stop equates to a consensual and voluntary encounter? (In most cases once overhead emergency lights and equipment are activated it's not a voluntary nor consensual.)
- Student should be able to answer what could the responding officer/deputy do to ensure the requirements of a safe neighborhood and still safeguard the 4th amendment? (The responding officer/deputy could check the vehicle's registration, video & photograph the vehicle, registration, and possibly occupants; the officer/deputy could maintain a high visibility patrol methodology and even contact the reporter to encourage successful, legal, and continued crime suppression partnerships.)
- Although the maroon Range Rover is suspicious in its appearance, it's not at the standard of CCP 14.03's "reasonable suspicion."

6.9. List the valid searches and seizures without warrants.

- Search Incident to Arrest
- Consent Searches
- Border Searches
- Open Fields
- Plain View and Plain Feel
- Exigent Circumstances
- Inventory Searches
- Automobile Exception

Instructor note: Review with students the information provided by the Legal Information Institute <https://www.law.cornell.edu/constitution-conan/amendment-4/valid-searches-and-seizures-without-warrants>

APPENDIX A: LAW REQUIREMENTS

Texas Code of Criminal Procedure (CCP) Art. 3.05. Racial Profiling.

- (a) 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.

CCP Art. 2.131. Racial Profiling Prohibited.

A peace officer may not engage in racial profiling.

CCP 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 motor vehicle 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 the following categories:
 - (A) Alaska native or American Indian;
 - (B) Asian or Pacific Islander;
 - (C) black;
 - (D) white; and
 - (E) Hispanic or Latino.
- (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 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;
 - (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
- (4) 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.
- (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 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.

- (e) A report required under Subsection (b)(7) may not include identifying information about a peace officer who makes a motor vehicle 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.
- (g) On a finding by the Texas Commission on Law Enforcement 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.
- (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.

CCP Art. 2.133. Reports Required for Motor Vehicle Stops.

- (a) In this article, “race or ethnicity” has the meaning assigned by Article 2.132(a).
- (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;
 - (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.

CCP Art. 2.134. Compilation and Analysis of Information Collected.

- (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 law enforcement agency shall submit a report containing the incident-based data compiled during the previous calendar year to the Texas Commission on Law Enforcement 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.
- (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;
 - (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.
- (4) A report required under Subsection (b) may not include identifying information about a peace officer who makes a motor vehicle 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).
- (5) The Texas Commission on Law Enforcement, in accordance with Section 1701.162, Occupations Code, shall develop guidelines for compiling and reporting information as required by this article.
- (6) The data collected as a result of the reporting requirements of this article shall not constitute prima facie evidence of racial profiling.
- (7) On a finding by the Texas Commission on Law Enforcement 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.

CCP 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.

CCP 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, 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:
 - (5) law enforcement agencies that employ peace officers whose primary duty is traffic enforcement;
 - (6) smaller jurisdictions; and
 - (7) 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. 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, 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, 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 video and audio equipment and body worn cameras for those purposes.

Art. 2.138. Rules.

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

CCP 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 an amount not to exceed \$5,000 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.

Education Code Sec. 96.641. Initial Training and Continuing Education for Police Chiefs and Command Staff.

- (a) The Bill Blackwood Law Enforcement Management Institute of Texas shall establish and offer a program of initial training and a program of continuing education for police chiefs.
- (k) 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.

Occupations Code Sec. 1701.253. School Curriculum.

- (c) As part of the minimum curriculum requirements, the commission shall establish a statewide comprehensive education and training program on civil rights, racial sensitivity, implicit bias, and cultural diversity for persons licensed under this chapter.
- (h) 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.

Occupations Code Sec. 1701.402. Proficiency Certificates.

- (e) 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(h).

Transportation Code Sec. 543.202. Form of Record.

- (a) In this section, "race or ethnicity" means the following categories:
 - (A) Alaska native or American Indian;
 - (B) Asian or Pacific Islander;
 - (C) black;
 - (D) white; and
 - (E) Hispanic or Latino.

APPENDIX B: SAMPLE GENERAL ORDER

	Police Department	
	Section 300: Operations	
	General Order 303: Racial and Bias-based Profiling	
	Effective Date:	Revision Date:
	Issued By:	
	TX Best Practices: 2.01	

A. Purpose

The Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly and without discrimination toward any individual or group. Race, ethnicity or nationality, religion, sex, sexual orientation, economic status, age, cultural group, disability or affiliation with any other similar identifiable group shall not be used as the basis for providing differing levels of law enforcement service or the enforcement of the law (Tex. Code of Crim. Pro., Art. 2.131). (TCPA TBP: 2.01)

This policy provides guidance to department members and establishes appropriate controls to ensure that employees of the Police Department do not engage in racial- or bias-based profiling or violate any related laws while serving the community.

B. Definitions

Racial profiling is a form of discrimination defined by the Texas Code of Criminal Procedure as “law enforcement-initiated action based on an individual’s race, ethnicity or national origin rather than on the individuals behavior or on information identifying the individual as having engaged in criminal activity.” (CCP 3.05) The following are implicit in the definition.

- (1) Racial profiling only becomes an issue as it pertains to contacts with citizens who are viewed as suspects or as potential suspects. It is not relevant as it pertains to witnesses, complainants or other citizen contacts.
- (2) Racial profiling does not preclude race, ethnicity or national origin as factors in a detention decision. Race, ethnicity or national origin may be legitimate factors in a detention decision when used as part of an actual description of a specific suspect for whom an officer is searching. They may not, however, be the only factors in determining whom to detain.
- (3) Detaining an individual and conducting an inquiry into that person’s activities because that person is of a specific race, ethnicity or national origin is racial profiling.

Examples of racial profiling include but are not limited to the following:

- (1) Citing a driver who is speeding in a stream of traffic where most other drivers are speeding because of the driver's race, ethnicity or national origin.
- (2) Detaining the driver of a vehicle based upon the supposition that a person of that race, ethnicity or national origin is unlikely to own or possess that specific make or model of vehicle.
- (3) Detaining an individual based upon the supposition that a person of that race, ethnicity or national origin does not belong in a specific part of town or in a specific place.

Bias based profiling occurs when enforcement decisions, the decision to render service or aid, or the willingness to engage is based upon the officer's bias either for or against an individual or group because of characteristics, beliefs or values, or legal practices associated with the individual or group.

Bias based profiling is often associated with a person's, race, ethnicity, national origin, religion, age, gender, sexual preference, political affiliation, economic status, cultural group, and/or other identifiers.

C. Prohibition

Racial- and/or bias-based profiling is strictly prohibited. Violations of racial and/or bias-based profiling are subject to disciplinary action up to and including termination. Allegations of racial and/or bias based profiling will be investigated consistent with the procedures set forth in 204: Personnel Complaints. (*TCPA TBP: 2.01*)

Nothing in this policy prohibits an officer from using any unique identifier along with other factors that are part of a legitimate description as a reason to detain a possible suspect.

D. Responsibilities

Texas Code of Criminal Procedure Article 2.132 requires law enforcement agencies to collect data from traffic stops in which a ticket, citation, or warning is issued to facilitate the state's reporting requirements. Patrol officers who issue tickets, citations, or warnings are required to collect data on traffic citations to include the race/ethnicity of the detainee; whether a search was conducted, if so, whether the individual detained signed an acknowledgement or made a recorded verbal statement that the individual consented to the search; whether the peace officer knew the race or ethnicity of the individual before detaining the individual; whether the police officer used physical force that resulted in bodily injury during the stop, if so, the location and reason for the stop; and whether the citation resulted in a physical arrest. Officers shall ensure the required information is captured on the citation form. All traffic stops shall be audio and video recorded whether a citation was issued or whether a citation was not issued. (*TBP: 2.01*)

Officers detaining a person shall be prepared to articulate sufficient reasonable suspicion to justify a detention, independent of the individual's membership in a protected class. To the extent that written documentation would otherwise be completed (e.g., arrest report, Field Interview (FI) card), the involved officer should include those facts giving rise to the officer's reasonable suspicion or probable cause for the detention, as applicable.

Supervisors shall monitor those individuals under their command for any behavior that may conflict with the purpose of this policy and shall handle any alleged or observed violation of this policy in accordance with the Personnel Complaints Policy. Supervisors will discuss any issues with the involved officer(s) and their supervisor in a timely manner.

Supervisors will review at least three random videos each quarter (3 months) per officer in order to gain an understanding of that officer's performance and adherence with racial profiling laws (Tex. Code Crim. Pro. Art. 2.132(d)) and this policy. Supervisors will document these reviews in the comments section of the video details section within the video database and make note of the review in the Daily Shift Report. The reviews will encompass all contacts, not just traffic stops [see General Order 602: Body Worn Cameras]. (*TCPA TBP: 2.01*)

In instances where officers record their public contacts, supervisors will review the recordings every 30 days to ensure compliance with racial profiling laws (Tex. Code Crim. Pro. Art. 2.132(d)) and this policy. Supervisors will document these monthly reviews in the Daily Shift Report and are responsible for their log maintenance. The reviews will encompass all contacts, not just traffic stops [see General Order 602: Body Worn Cameras].

All recording will be maintained for 90 days. However, recordings that capture a potential instance of racial- or bias-based profiling will be appropriately retained for administrative investigation purposes. Supervisors shall initiate investigations of any actual or alleged violations of this policy and ensure that no retaliatory action is taken against any member of this department who discloses information concerning racial- or bias-based profiling.

E. State Report

The Police Chief shall submit to the Texas Commission on Law Enforcement (TCOLE) and to City Council an annual report of the information required in Tex. Code of Crim. Pro. Art. 2.132 (b)(6). These reports may not include identifying information about any officer who made a motor vehicle stop or about an individual who was stopped or arrested by any officer (Tex. Code of Crim. Pro. Art. 2.132; Tex. Code of Crim. Pro. Art. 2.134). (*TBP: 2.01*)

F. Training

All sworn members of this department will be scheduled to attend TCOLE-approved training on the subject of racial- and bias-based profiling. Each member of this department undergoing initial TCOLE-approved training will thereafter be required to complete an approved refresher course every five years or sooner if deemed necessary, in order to keep current with changing racial issues and cultural trends. (*TCPA TBP: 2.01*)

APPENDIX C: NEW RACIAL PROFILING REPORT SAMPLE

Racial Profiling Report | Full report

Agency Name:

Reporting Date:

TCOLE Agency Number:

Chief Administrator:

Agency Contact Information:

Phone:

Email:

Mailing Address:

This Agency filed a full report

_____ has adopted a detailed written policy on racial profiling. Our policy:

- 1) **clearly defines acts constituting racial profiling;**
- 2) **strictly prohibits peace officers employed by the _____ from engaging in racial profiling;**
- 3) **implements a process by which an individual may file a complaint with the _____ if the individual believes that a peace officer employed by the _____ has engaged in racial profiling with respect to the individual;**
- 4) **provides public education relating to the agency's complaint process;**
- 5) **requires appropriate corrective action to be taken against a peace officer employed by the _____ who, after an investigation, is shown to have engaged in racial profiling in violation of the _____ policy;**
- 6) **requires collection of information relating to motor vehicle stops in which a citation is issued and to arrests made as a result of those stops, including information relating to:**
 - a. the race or ethnicity of the individual detained;
 - b. whether a search was conducted and, if so, whether the individual detained consented to the search;
 - 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 during the stop;
 - e. the location of the stop;

f. the reason for the stop.

7) **requires 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:**

1. the Commission on Law Enforcement; and
2. 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.

The _____ has satisfied the statutory data audit requirements as prescribed in Article 2.133(c), Code of Criminal Procedure during the reporting period.

Executed by: _____

Chief Administrator

Date: _____

Motor Vehicle Racial Profiling Information

Total stops: _____

Street address or approximate location of the stop

City street: _____

US highway: _____

State highway: _____

County road: _____

Private property or other: _____

Was race or ethnicity known prior to stop?

Yes: _____

No: _____

Race or ethnicity

Alaska Native/American Indian: _____

Asian/Pacific Islander: _____

Black: _____

White: _____

Hispanic/Latino: _____

Gender

Female:

Total _____

Alaska Native/American Indian _____ Asian/Pacific Islander _____ Black _____

White _____ Hispanic/Latino _____

Male:

Total _____

Alaska Native/American Indian _____ Asian/Pacific Islander _____ Black _____

White _____ Hispanic/Latino _____

Reason for stop?

Violation of law:

Total _____

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

Pre existing knowledge: _____

Total _____

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

Moving traffic violation: _____

Total _____

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

Vehicle traffic violation: _____

Total _____

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

Was a search conducted?

Yes:

Total _____

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

No:

Total _____

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

Reason for Search?

Consent:

Total _____

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

Contraband:

Total _____

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

Probable cause:

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

Inventory:

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

Incident to arrest:

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

Was Contraband discovered?

Yes:

Total _____

	Did the finding result in arrest (total should equal previous column)?	
Alaska Native/American Indian _____	Yes _____	No _____
Asian/Pacific Islander _____	Yes _____	No _____
Black _____	Yes _____	No _____
White _____	Yes _____	No _____
Hispanic/Latino _____	Yes _____	No _____

No:

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

Description of contraband

Drugs:

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

Currency:

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

Weapons:

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

Alcohol:

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

Stolen property:

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

Other:

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

Result of the stop

Verbal warning:

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

Written warning:

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

Citation:

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

Written warning and arrest:

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

Citation and arrest:

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

Arrest:

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

Arrest based on

Violation of Penal Code:

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

Violation of Traffic Law:

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

Violation of City Ordinance:

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

Outstanding Warrant:

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

Was physical force resulting in bodily injury used during stop

Yes:

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

No:

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

Number of complaints of racial profiling

Total _____

Resulted in disciplinary action _____

Did not result in disciplinary action _____

Submitted electronically to the



The Texas Commission on Law Enforcement

APPENDIX D: 2019 RACIAL PROFILING REPORT SAMPLE

Racial Profiling Report

Agency Name: Reporting Date:

TCOLE Agency Number:

Chief Administrator:

Agency Contact Information:

Phone:

Email:

Mailing Address:

By submitting, the chief administrator affirms that the agency has a policy in place in accordance with Texas Code of Criminal Procedure §2.132, and that the policy:

- (1) clearly defines acts constituting racial profiling;
- (2) strictly prohibits peace officers employed by the agency from engaging in racial profiling;
- (3) implements 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) provides public education relating to the agency's complaint and complaint process, including providing the telephone number, mailing address, and email address to make a complaint or complaint with respect to each ticket, citation, or warning issued by a peace officer;
- (5) requires 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) requires 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;
 - (C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and
 - (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) requires 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.

Executed by: Chief Administrator

Date: 03/01/2019

Unit Goal: Role of multiculturalism in law enforcement

5.1. Discuss the definitions, key concepts, and origins of prejudice.

Definitions:

- Attitude: a cognitive position based on a person's knowledge, feelings, and experiences about someone or something influencing him/her to behave in a certain way about that person or thing. Attitudes change because of life experiences. Attitudes and life experience may exist in a correlative relationship. Hence, a particular life experience may lead to a change in a particular attitude.
- Race: generally, refers to groups of people with common ancestry and physical characteristics. Since no "pure" races exist, some prefer to avoid reference to race and instead discuss group differences under the heading of ethnicity. However, the existence of this concept is in dispute.
- Ethnicity: refers to shared culture and background. Members of an ethnic group usually have common ancestry and generally share language, religion, and other cultural patterns.
- Ethnocentrism: the act of regarding one's culture as the "center of the universe," and hence as the basis for all comparisons with other cultures.
- Prejudice: an adverse judgment or opinion formed beforehand or without knowledge of or examination of the facts, i.e., bias.
- Culture: a way of thinking and acting based on tradition, i.e., learned behavior passed down from one generation to another.
- Discrimination: acting on the basis of prejudice.

Source: Adapted from the American Heritage Dictionary, 2nd edition

Who is prejudiced?

Prejudice is a universal ill. All of us have some kind of prejudice. As we learn about other cultures and people who are different from us, we learn to judge them relative to the norms of our own cultural group. The key is to be aware of the prejudices, to work at reducing their impact in our lives, and to keep our prejudices out of our job performance.

Lecture Scenario: Ask participants to:

- Give examples of situations where prejudice was evident in the law enforcement arena
- Identify the possible prejudice and discuss solutions and/or variety of approaches to rectify the situation.

The Functions of Prejudice:

- Ethnocentrism: provides a source of egotistic satisfaction, through comparing others with oneself.
- Stereotype and Categorical Treatment: affords a convenient grouping for people of whom one is not knowledgeable. Lumping or grouping such people together under a popular stereotyped description saves time and provides a convenient grouping.

- Scapegoat: provides a convenient group or person to blame when things go wrong in one's personal life or in the community.
- Projection: provides an outlet for projecting one's tensions and frustrations onto other people.
- Authoritarian personality: symbolizes one's affiliation with a more dominant group.
- Societal Strain: leads to justification for various types of discrimination that are considered to be of advantage to the dominant group.

Four Basic Feelings or Attitudes Harbored by Most Prejudiced Persons:

- Feeling of superiority: self-assured feeling on the part of certain individuals that they are superior or better than others are, which is frequently expressed in inappropriate jokes and disparaging remarks directed to those regarded as inferiors (e.g., suggesting that they are lazy, overly aggressive, stupid, tricky, deceitful, clannish, pushy, etc.)
- Others are strange and different: feeling that the other group is alien or different which promotes the social exclusion of members of a particular group and blocks any acceptance of a person on individual merit. These feelings foster aversion, dislike, or even open hostility against persons of a different group.
- Proprietary claims: as a member of the group, the individual believes he is entitled to exclusive or prior rights in a certain area.
- Fear: basic to prejudice. It excites the emotions to the point of overshadowing rational judgment. We believe that someone is trying to intrude and threaten the things that belong to us.

Lecture Scenarios: Utilizing the above scenarios or examples of prejudice:

- Identify feelings or attitudes experienced in each scenario

5.2. Identify forms of prejudice.

Forms and targets of prejudice:

- Racial
- Ethnic
- Gender
- National origin
- Political affiliation
- Authority figures (e.g., police, government, teachers, parents)
- Sexual orientation
- Differently abled
- Religious
- Age
- Economic/occupational
- Weight
- Physically challenged
- Individual personal preferences (e.g., family feuds; antagonism between work departments like Vice and Patrol)

Lecture Scenario: Utilizing the above scenarios or examples of prejudice:

- Have students label the types/forms of prejudice being displayed.

5.3. Discuss personal prejudices.

Lecture Scenario: Utilize the “Learning Experiences about Race/Ethnicity worksheet found at the end of this resource guide.

- Have the student complete worksheet
- Discuss

Instructor Note: This can be an extremely emotional topic for students. It is important to be sensitive to opinions and to deal with them in a constructive manner.

Concepts about human relations from the social scientists:

- Every individual is entitled to equal rights and dignities. They are entitled to them by virtue of being human.
- The right to be free implies the right to be different
- We should try to understand people different from us
- All people share certain common needs:
 - Social needs
 - Health
 - Employment
 - Shelter
 - Food
 - Positive self-image
- Bill of Rights for Americans and individuals residing in U.S.
- We tend to categorize people and make judgments about them rather than evaluate them based on their individual character. This can lead to stereotyping.
- Democracy cannot work for some unless it works for all

Lecture Scenario: Utilizing the above scenarios or examples of prejudice:

- Have students apply the above concepts to the solutions and possibilities in each scenario or example.

5.4. Define key functions of discrimination.

Functions of Discrimination:

- Tends to reinforce prejudice concerning the group’s alleged inferiority
- Discrimination by any group limits the other groups’ effectiveness in business, education, political office, etc.
- Affords an avenue to economic exploitation of the group being discriminated against

Unit Goal: Importance of human relations in law enforcement

5.5. Evaluate and discuss the importance of not allowing personal prejudices to affect professional behavior.

The role of the peace officer includes enforcing laws in an impartial manner and supporting the concept that all persons, including criminal justice personnel, are equally subject to the law and will be treated equally by it. Several assumptions about this role underlie the following discussion and the intent of this section. An awareness of these assumptions, even though you may not agree entirely with all of them is imperative.

We assume that impartial enforcement of the law:

- Requires that no person be treated unfairly, unjustly, or with bias or prejudice. It also requires that no person be given treatment that is more favorable by the law. Either by giving better service, more considerate treatment, or more lenient punishment than any other person would receive for the same reason. The critical guideline is not favoring one more than another in the same situation.
- Includes the more general ideas of impartial administration of justice and impartial treatment of offenders by the criminal justice system as a whole. It is by no means limited to the peace officer telling the public, "Don't do that - it's against the law," or "You must do this - the law requires it."
- Refers to both the interaction of the law and the citizen and the interaction of citizens when law enforcement becomes involved. The law must be impartial whether the law is confronting a citizen or standing between two citizens who are confronting each other.
- An ideal condition toward which the law, the criminal justice system, and its personnel are what we strive to achieve. Like democracy, it may never be in an imperfect world. Nevertheless, it is the direction in which we must move. No other course of action or substitute ideal will serve the long-range needs of a democracy.

Lecture Scenario: Discuss whether police officers are objective with all persons.

Instructor Note: Suggested Reading: "Race, Police and Reasonable Suspicion", by Kennedy.

The peace officer has an especially sensitive position regarding impartial enforcement for several reasons:

- Officers often work alone and makes decisions demanding impartiality on their part with no one (but the citizen) present to witness fairness.
- The temptations provided by citizens for them to be partial can be overwhelming. The acceptance of them can go virtually undetected by a higher authority.
- Deviations from fair and equal treatment are often easily excused as being necessary for maintenance of order, crime prevention, and public relations.
- The impression held by most people of the impartiality of the law and the fairness of criminal justice may well come from the treatment they have received in their contacts with peace officers.

To apply these principles of impartiality, the peace officer should:

- Take necessary enforcement action, basing its intensity on the nature of the situation and the severity of the offense.
- Participate in the processes of justice such as charging and testifying, in ways that do not favor one individual or one group over any others based on factors not related to the crime.
- Communicate by word and action to the public and to other criminal justice personnel, whenever appropriate, that all personnel of criminal justice agencies are equally subject to the law and will not be given preferential treatment if they become subject to criminal justice procedures.

Benefits from impartial role performance

- The delicate balance which the law provides and protects between those who govern and those who are governed must be preserved, if democracy is to survive.
- More recently, we have seen what the collapse of impartial law and equal justice can bring to individuals, groups, and entire nations.
- One goal of society and criminal justice is the reduction of crime. Regardless of whether punishment and the certainty of punishment are deterrents to crime, the law must be impartially enforced if it is to reduce crime. If leaders of groups who have frequent contact with the law believe that the system is impartial and fair, it builds respect and cooperation among them.
- Benefits to the criminal justice system and its people can be many and varied. Impartiality is a fundamental requirement made of all peace officers. It is not only a moral requirement in our treatment of each individual with whom we deal.
- “On the one hand, protection of society is the task of law enforcement; on the other, safeguarding individual personal liberties is also the task of law enforcement. This is done only when laws are enforced impartially. Those enforcing the laws must leave personal feelings and prejudices at home when on duty. Only when law enforcement discharges its function within the framework of constitutional guarantees, can a reasonable balance be maintained between the conflicting interests of society and the individual.”

5.6. Discuss the value of, respect for, and sensitivity to the feelings and needs of others.

Important skills that should be used:

- Gather knowledge and information about the person(s)
- Be non-judgmental
- Tolerate ambiguity in messages, approaches different from your own, and differences in general
- Show warmth, genuine interest, and empathy.
- Be willing to communicate.

Adverse consequences of insensitivity:

- Hurt feelings
- Anger
- Loss of personal and professional respect

- Ineffective performances
- Behavior

Positive consequences of sensitivity:

- Respect of community
- Respect from fellow professionals
- Support for democratic principles
- Self-respect

Practical Scenarios/Instructor Note: Role-plays will be very important to the application of the knowledge from this unit. Vary parts and situations until all have had the opportunity to use their new awareness of the importance of human relations in law enforcement. Case studies and problem-solving activities are also recommended.

5.7. Discuss the public's perceptions of and attitudes toward peace officers.

Lecture Scenario: Ask students to estimate responses of public opinion concerning:

- sensitivity,
- impartiality, and
- ethics of peace officers

5.8. Discuss cross-cultural communication and its tie to conflict resolution.

Cross-cultural communication is defined as a field of study that focuses on how people of differing cultures communicate with each other. In a multicultural society, such as the U.S., many scholars believe it is imperative that law enforcement officials have some understanding of these communication principles to facilitate dialogue and reduce conflict.

Lecture Scenarios: Discuss communication styles and patterns associated with the following groups.

- African Americans
- Arab-Americans
- Asian-Americans
- Latino/Hispanic-Americans
- Middle Eastern Americans
- Native Americans/American Indians
- Pacific Islander Americans
- White/Caucasian Americans

Lecture Scenarios: Discuss conflict resolution and its impact on cross-cultural communication

Sources

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RESOURCE MATERIALS

LEARNING EXPERIENCES ABOUT RACE/ETHNICITY

My racial/ethnic group is:

1. Things I was told or encouraged to believe about individuals of my racial/ethnic group.
2. Values that I was taught about how persons of my racial/ethnic group should behave.
3. Individuals of my racial/ethnic group I was encouraged to hold as role models.
4. Individuals of other racial/ethnic groups I was encouraged to hold as role models.
5. Ways I learned to interact with individuals who were of other racial/ethnic groups.
6. Which of the above messages have had the most lasting effect on you?
7. Which of the above messages have had the most negative effect on you?
8. How have you or how can you overcome any negative messages?

The Faculty and Staff of the

**BILL BLACKWOOD LAW ENFORCEMENT
MANAGEMENT INSTITUTE OF TEXAS**

do hereby certify that

Sammy T. Bailey

under the auspices of the

**SAM HOUSTON STATE UNIVERSITY
CRIMINAL JUSTICE CENTER**

has successfully completed the program



Texas Police Chief Leadership Series

TCOLE # 3740

January 24 - 28, 2022

Handwritten signature of the Dean and Director, College of Criminal Justice.

Dean and Director, College of Criminal Justice

Handwritten signature of the Executive Director, Law Enforcement Management Institute.

Executive Director, Law Enforcement Management Institute

Handwritten signature of the President, Sam Houston State University.

President, Sam Houston State University

Responding to the Law

PUBLIC EDUCATION:

We provide a brochure in our lobby about our racial profiling policy and how to file a complaint. The City of Lampasas also provides a complaint and compliment section for our department on the City website. We post on our social media about how to file a complaint and provide information to our local media sources about the process to file a complaint or compliment. All include the agency name, address, phone number, mailing address, and email address to make a complaint or compliment with respect to each ticket, citation, or warning issued by an Officer of our department.

The Lampasas Police Department is dedicated to providing exceptional service to its employees and citizens. Police employees are carefully selected, held to the highest standards, and provided with the best training available.

We are interested in the welfare of all citizens and in taking immediate action when our employees have proven derelict in their duties, or are guilty of wrongdoing. If it becomes necessary for you to make a complaint, you can be assured that it will be given a fair and thorough investigation.

For Additional Information
Please contact Lampasas Police Department's on-duty supervisor at (512) 556-3645.



"Lampasas is a family focused community known for valuing historic traditions while planning for the future. It is a safe, livable city with a healthy economy that recognizes the importance of working with citizens and local partners."

Lampasas Police Department

Mission:

The Lampasas Police Department is directed to preserve law and order and enforce our society's laws and ordinances. It is our mission to create a high quality of life and provide a safe, secure and sanitary environment for the citizens of this community. Our goal shall be to make the City of a safer and better city in which to live, work and play.

Core Values

- We will hold the preservation of life as our most sacred duty.
- We will always strive to maintain the highest standard of honesty and integrity and will accept nothing less than the truth.
- We recognize that our mission is to enforce the laws of society. We will do so in a fair and impartial manner always remembering that our role is to resolve problems, not judge or punish.
- We will honor our police powers and be mindful that they are derived from the people we serve. We will not tolerate abuse of our authority.
- We will honor and uphold the public trust and be accountable to those we serve.
- We will respect and protect the constitutional rights of all citizens, treating them with courtesy and respect and using force only when necessary.
- We recognize that our personal conduct, both on and off duty, is inseparable from our professional reputation as individuals of the department.
- We recognize that the origin and responsibility for leadership rests within each member of the department, no matter what our rank or position.
- We will always strive to expand our personal and professional growth through continued education, training and involvement within our community.
- We will always remain accountable to one another, our department and the citizens we serve.

RACIAL PROFILING COMPLAINT PROCEDURES

Lampasas Police Department
301 East 4th Street
Lampasas, Texas 76550
(512) 556-3645
www.lampasas.org/police



Filing Complaints

Discrimination in any form, including racial profiling, is strictly prohibited and the department will take immediate and appropriate action to investigate allegations of discrimination. Any person who believes he or she has been stopped, searched, or inappropriately ticketed or arrested based on racial, ethnic or national origin profiling should file a complaint.

Lampasas Police Department Procedures for Handling Personnel Complaints

Procedures for Handling Personnel Complaints

I. Purpose

It is the purpose of this general order to define the responsibilities of all departmental personnel in the response to, and investigation of, personnel complaints. Further, this general order is intended to establish orders to be followed upon receipt of a personnel complaint. Finally, the general order is intended to demonstrate that the department will respond in a positive way to citizen reports of official misconduct.

II. Documenting Complaints

- A. Any employee of the Lampasas Police Department who receives a report from a citizen of alleged misconduct should ascertain complainant's description of the alleged misconduct, including the complainant's telephone number, address, and the employee(s) involved.
The complainant should then be advised that he or she will be contacted by a supervisor as soon as possible.
- B. Any supervisor investigating a personnel complaint shall, before interviewing the employee, secure from the complainant a written statement setting forth, in detail, the alleged misconduct.
- C. After receipt of the complainant's statement, the officer or non-sworn employee against whom the complaint had been lodged may at the discretion of the Chief or Asst. Chief be required via the assigned Supervisor to respond in writing to the allegations.
- D. After receipt of the employee's statement, the assigned Supervisor will interview all witnesses to the alleged misconduct.
- E. Each complaint will be judged on its own merits and disciplinary action will be assessed accordingly.
- F. Any employee of the Lampasas Police Department who receives a report from a citizen of alleged misconduct should ascertain complainant's description of the alleged misconduct, including the complainant's telephone number, address, and the employee(s) involved.
The complainant should then be advised that he or she will be contacted by a supervisor as soon as possible.
- G. Any supervisor investigating a personnel complaint shall, before interviewing the employee, secure from the complainant a written statement setting forth, in detail, the alleged misconduct.
- H. After receipt of the complainant's statement, the officer or non-sworn employee against whom the complaint had been lodged may at the discretion of the Chief or Asst. Chief be required via the assigned Supervisor to respond in writing to the allegations.

- I. After receipt of the employee's statement, the assigned Supervisor will interview all witnesses to the alleged misconduct.
- J. Each complaint will be judged on its own merits and disciplinary action will be assessed accordingly.

COMPLAINT INVESTIGATION FROM LAMPASAS POLICE DEPARTMENT RACIAL PROFILING POLICY AND PROCEDURES

COMPLAINT INVESTIGATION

1. The Department shall accept complaints from any person who believes he or she has been stopped or searched based on racial, ethnic or national origin profiling. No person shall be discouraged, intimidated or coerced from filing a complaint, nor discriminated against because he or she filed such a complaint.
2. Any employee who receives an allegation of racial profiling, including the officer who initiated the stop, shall record the person's name, address and telephone number, and shall forward the complaint through the appropriate channels of the Department. Any employee of the Police Department who is contacted regarding filing a racial profiling complaint shall provide to that person a copy of a complaint form. All employees will report any allegation of racial profiling to their superior prior to the end of the shift during which the allegation was made.
3. Investigation of a complaint of racial profiling shall be conducted by the Department in a thorough and timely manner. All complaints will be acknowledged, in writing, to the initiator. The initiator will also receive a report on the disposition of the complaint within a reasonable period of time. The investigation shall be reduced to writing and any reviewer's comments or conclusions shall be filed with the Chief. When applicable findings and/or suggestions for disciplinary action, retraining, or changes in Policy shall be filed with the Chief.
4. If a racial profiling complaint is sustained against an officer(s), all officer(s) involved will be subjected to appropriate corrective and/or disciplinary action, up to and including termination.
5. If there is a Departmental video or audio recording of the events upon which a complaint of racial profiling is based, upon commencement of an investigation by this Department into the complaint and ***upon written request*** of the officer(s) made the subject of the complaint, the Department shall promptly provide a copy of the recording to the officer(s). Art. 2.132(f).
6. The Department shall accept complaints from any person who believes he or she has been stopped or searched based on racial, ethnic or national origin profiling. No person shall be discouraged, intimidated or coerced from filing a complaint, nor discriminated against because he or she filed such a complaint.

7. Any employee who receives an allegation of racial profiling, including the officer who initiated the stop, shall record the person's name, address and telephone number, and shall forward the complaint through the appropriate channels of the Department. Any employee of the Police Department who is contacted regarding filing a racial profiling complaint shall provide to that person a copy of a complaint form. All employees will report any allegation of racial profiling to their superior prior to the end of the shift during which the allegation was made.
8. Investigation of a complaint of racial profiling shall be conducted by the Department in a thorough and timely manner. All complaints will be acknowledged, in writing, to the initiator. The initiator will also receive a report on the disposition of the complaint within a reasonable period of time. The investigation shall be reduced to writing and any reviewer's comments or conclusions shall be filed with the Chief. When applicable findings and/or suggestions for disciplinary action, retraining, or changes in Policy shall be filed with the Chief.
9. If a racial profiling complaint is sustained against an officer(s), all officer(s) involved will be subjected to appropriate corrective and/or disciplinary action, up to and including termination.
10. If there is a Departmental video or audio recording of the events upon which a complaint of racial profiling is based, upon commencement of an investigation by this Department into the complaint and ***upon written request*** of the officer(s) made the subject of the complaint, the Department shall promptly provide a copy of the recording to the officer(s).

Corrective Action

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

1. Officer is retrained, disciplined and asked to undergo training in racial sensitivity issues,
2. Officer is suspended and as a condition of further involvement with the police, department will require that the Officer undergo racial sensitivity training,
3. Officer is terminated.

Data on Corrective Action

As per Code of Criminal Procedure Article 2.134 (C) (2) The following table will be used to gather and contain data regarding officers that have been the subject of a complaint during the yearly reporting period of from the first of the year until the end of the year reporting period. This report will be included with the yearly Racial Profiling Report based on allegations outlining possible violations related to the Texas Racial Profiling Law. The final disposition of the case is also included.

X

X will indicate that the Lampasas Police Department has not received any complaints, on any members of its police force, for having violated the Texas Racial Profiling Law during January 1, 2021 to December 31, 2021.

The Lampasas Police Department received no complaints of Racial Profiling during the 2021 collection period.

Complaints Filed for Possible Violations Code of Criminal Procedure Art. 2.131(5) Racial Profiling

Complaint No.	Alleged Violation			Disposition of the Case
None	None	None	None	None

COMPLAINTS & COMPLIMENTS

The Importance of Your Complaint

The Lampasas Police Department recognizes that its employees are responsible for their conduct when the public is concerned. The department also acknowledges that at certain times, conflicts between citizens and agency employees can arise. It is essential to the safety of our community that the relationship between police and citizens be built on confidence and trust. Law enforcement cannot be effective without this vital conviction by both entities.

Police officers must be free to exercise their best judgment and initiate proper action in a reasonable, lawful, impartial manner, without fear of reprisal. At the same time, they must observe the rights of all people. The complaint process and appropriate disciplinary procedures not only subject agency members to corrective action when they conduct themselves improperly, the guidelines also protect them from unwarranted criticism when they discharge their duties properly.

Complaint Reports

A disagreement over the validity of a traffic citation is not a complaint. Such disagreements should be directed to the court that has jurisdiction in the matter. The Police Department realizes that confusion, different perceptions, or the timeliness of information sometimes will result in descriptions that produce different versions of the same incident. Beyond legitimate error, however, the deliberate making of a report that the complainant knows to be false or misleading could constitute a violation of state law.

Complimenting a Law Enforcement Employee

As we recognize that conflicts between citizens and agency employees can arise, we also realize that there are times when employees go above and beyond their call for duty. Law enforcement employees, like everyone else, appreciate it when their good deeds are noticed. Too often they are remembered for the traffic tickets they issue or the arrests they have to make, and not for the thousands of helping hands they extend.

If an officer or employee of the Lampasas Police Department provides services that you feel they should be commended for, please write the chief a letter or note to that effect, giving your feelings on what the officer or

employee has done that deserves commendation. The chief will see to it that it gets to the employee and that a copy

employees of the department to be more positive about themselves and the service they provide. We are proud of the good relationship we share with the community.

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Contact Us

The City of
Lampasas

312 E Third Street

Lampasas, TX
76550

Phone: 512-556-6831

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RACIAL PROFILING

About Racial Profiling

A Peace Officer may not engage in racial profiling, Criminal Code of Procedure, Art. 2.132.

The Lampasas Police Department is dedicated to providing the best quality police service to the citizens of Lampasas and to those who visit our city. We are committed to the principles of justice and equality and carefully select and train the best possible employees to support that commitment. To ensure employee understanding of the importance of fair and equal treatment to all the departmental policy strictly prohibits racial profiling and officers are required to attend training regarding racial profiling laws.

Racial Profiling Defined

Racial profiling is defined by the Texas Code of Criminal Procedure as 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.

Recording and Statistics

The Lampasas Police Department has mandated the use of mobile video and audio recording equipment for all police vehicles that are regularly used to make motor vehicle stops. Officers that operate vehicles and other Officers of the department also have body worn camera. The department policy archives the videos by policy for at least 90 days. Command staff randomly reviews these recordings to ensure that officers are complying with department policies.

The Lampasas Police Department collects statistical data from citations and warnings regarding racial profiling as required by Legislature and by policy. This information is then compiled, analyzed, and submitted to the Texas Commission on Law Enforcement. A Racial Profiling report is presented annually to the City Council of Lampasas prior to March of every year. At this time the department provides public education about racial profiling.

Questions or Complaints

with Chief of Police Sammy Bailey or with any supervisor in the Police Department. Initial complaints may also be made by phone, the internet, or in person at the Lampasas Police Department. Lampasas Police Department, 301 East 4th Street, Lampasas, Texas 76550. Department Administrative phone line (512) 556-3645. Department email: lampasaspd@cityoflampasas.com.

Brochures against Racial Profiling and the complaint process can be found in the lobby of the Lampasas Police Department.

In accordance with Texas Government Code 614.022 to be considered by the Chief of Police for disciplinary action the complaint must be (1) in writing, and (2) signed by the person making the complaint. A copy of the signed complaint will be given to the Officer or employee as disciplinary action may not be taken against the officer or employee unless a copy of the signed complaint is given to the Officer or employee within a reasonable time after the complaint is filed. Texas Government Code 614.023

Criminal Charges may be filed if a person with intent to deceive intentionally files a false complaint.

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The City of
Lampasas

312 E Third Street

Lampasas, TX
76550

Phone: [512-556-
6831](tel:512-556-6831)

Fax: 512-556-2074

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DRS RACIAL PROFILING REPORT LIST

FOR SUPPORT WITH YOUR RACIAL PROFILING REPORT:

- ✦ Contact your field service agent. Find your FSA [HERE](#)
- ✦ Email us at: RACIALPROFILING@TCOLE.TEXAS.GOV
- ✦ See the [FAQ](#)

THE REPORTING PERIOD FOR THE PREVIOUS YEAR BEGINS ON JANUARY 1 OF

[Edit Current Racial Profiling Report](#)

View ▾

YEAR	Form Type	Executed By	Title	Create Date
2019	Full Report	Sammy Bailey	Chief of Police	01/27/2020
2020	Full Report	Sammy Bailey	Chief of Police	01/29/2021
2021	Full Report	Sammy Bailey	Chief of Police	01/21/2022

Racial Profiling Report | Full

Agency Name: LAMPASAS POLICE DEPT.

Reporting Date: 01/21/2022

TCOLE Agency Number: 281201

Chief Administrator: SAMMY T. BAILEY

Agency Contact Information:

Phone: (512) 556-3644

Email: sammy@cityoflampasas.com

Mailing Address:

301 E 4TH ST

LAMPASAS, TX 76550-2828

This Agency filed a full report

LAMPASAS POLICE DEPT. has adopted a detailed written policy on racial profiling. Our policy:

- 1) clearly defines acts constituting racial profiling;
- 2) strictly prohibits peace officers employed by the LAMPASAS POLICE DEPT. from engaging in racial profiling;
- 3) implements a process by which an individual may file a complaint with the LAMPASAS POLICE DEPT. if the individual believes that a peace officer employed by the LAMPASAS POLICE DEPT. has engaged in racial profiling with respect to the individual;
- 4) provides public education relating to the agency's complaint process;
- 5) requires appropriate corrective action to be taken against a peace officer employed by the LAMPASAS POLICE DEPT. who, after an investigation, is shown to have engaged in racial profiling in violation of the LAMPASAS POLICE DEPT. policy;
- 6) requires collection of information relating to motor vehicle stops in which a warning or citation is issued and to arrests made as a result of those stops, including information relating to:
 - a. the race or ethnicity of the individual detained;
 - b. whether a search was conducted and, if so, whether the individual detained consented to the search;
 - 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 during the stop;
 - e. the location of the stop;
 - f. the reason for the stop.
- 7) requires the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:
 - a. the Commission on Law Enforcement; 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.

The LAMPASAS POLICE DEPT. has satisfied the statutory data audit requirements as prescribed in Article 2.133(c),

Code of Criminal Procedure during the reporting period.

Executed by: Sammy Bailey
Chief of Police

Date: 01/21/2022

Total stops: 3540

Street address or approximate location of the stop

City street	1269
US highway	2239
County road	3
State highway	7
Private property or other	22

Was race or ethnicity known prior to stop?

Yes	85
No	3455

Race / Ethnicity

Alaska Native / American Indian	7
Asian / Pacific Islander	56
Black	246
White	2472
Hispanic / Latino	759

Gender

Female	1386
Alaska Native / American Indian	1
Asian / Pacific Islander	25
Black	88
White	1013
Hispanic / Latino	259
Male	2154
Alaska Native / American Indian	6
Asian / Pacific Islander	31
Black	158
White	1459
Hispanic / Latino	500

Reason for stop?

Violation of law	16
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	1
White	11

Hispanic / Latino	4
Preexisting knowledge	15
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	2
White	10
Hispanic / Latino	3
Moving traffic violation	2564
Alaska Native / American Indian	6
Asian / Pacific Islander	48
Black	188
White	1784
Hispanic / Latino	538
Vehicle traffic violation	945
Alaska Native / American Indian	1
Asian / Pacific Islander	8
Black	55
White	667
Hispanic / Latino	214
Was a search conducted?	
Yes	218
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	30
White	127
Hispanic / Latino	61
No	3322
Alaska Native / American Indian	7
Asian / Pacific Islander	56
Black	216
White	2345
Hispanic / Latino	698
Reason for Search?	
Consent	40
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	3
White	25

Hispanic / Latino	12
Contraband	22
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	3
White	11
Hispanic / Latino	8
Probable	114
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	21
White	66
Hispanic / Latino	27
Inventory	17
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	3
White	9
Hispanic / Latino	5
Incident to arrest	25
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	16
Hispanic / Latino	9

Was Contraband discovered?

Yes 152

Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	23
White	86
Hispanic / Latino	43

No 66

Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	7
White	41
Hispanic / Latino	18

Did the finding result in arrest?

(total should equal previous column)

Yes	0	No	0
Yes	0	No	0
Yes	20	No	3
Yes	62	No	24
Yes	39	No	4

Description of contraband	
Drugs	121
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	22
White	68
Hispanic / Latino	31
Weapons	4
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	2
Hispanic / Latino	2
Currency	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Alcohol	21
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	1
White	13
Hispanic / Latino	7
Stolen property	1
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	1
Hispanic / Latino	0
Other	5
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	2
Hispanic / Latino	3
Result of the stop	
Verbal warning	0

Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Written warning	2641
Alaska Native / American Indian	7
Asian / Pacific Islander	40
Black	164
White	1950
Hispanic / Latino	480
Citation	732
Alaska Native / American Indian	0
Asian / Pacific Islander	16
Black	59
White	428
Hispanic / Latino	229
Written warning and arrest	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Citation and arrest	127
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	19
White	74
Hispanic / Latino	34
Arrest	40
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	4
White	20
Hispanic / Latino	16
Arrest based on	
Violation of Penal Code	126
Alaska Native / American Indian	0
Asian / Pacific Islander	0

Black	19
White	65
Hispanic / Latino	42
Violation of Traffic Law	6
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	1
White	4
Hispanic / Latino	1
Violation of City Ordinance	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Outstanding Warrant	35
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	3
White	25
Hispanic / Latino	7

Was physical force resulting in bodily injury used during stop?

Yes	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Resulting in Bodily Injury To:	
Suspect	0
Officer	0
Both	0
No	3540
Alaska Native / American Indian	7
Asian / Pacific Islander	56
Black	246
White	2472
Hispanic / Latino	759

Number of complaints of racial profiling

Total	0
Resulted in disciplinary action	0
Did not result in disciplinary action	0

Comparative Analysis

Use TCOLE's auto generated analysis	<input type="checkbox"/>
Use Department's submitted analysis	<input checked="" type="checkbox"/>

Optional Narrative

N/A

Submitted electronically to the



The Texas Commission on Law Enforcement

Racial Profiling Analysis Report

LAMPASAS POLICE DEPT.

01. Total Traffic Stops:		3540	
02. Location of Stop:			
a. City Street		1269	35.85%
b. US Highway		2239	63.25%
c. County Road		3	0.08%
d. State Highway		7	0.20%
e. Private Property or Other		22	0.62%
03. Was Race known prior to Stop:			
a. NO		3455	97.60%
b. YES		85	2.40%
04. Race or Ethnicity:			
a. Alaska/ Native American/ Indian		7	0.20%
b. Asian/ Pacific Islander		56	1.58%
c. Black		246	6.95%
d. White		2472	69.83%
e. Hispanic/ Latino		759	21.44%
05. Gender:			
a. Female		1386	39.15%
i. Alaska/ Native American/ Indian		1	0.03%
ii. Asian/ Pacific Islander		25	0.71%
iii. Black		88	2.49%
iv. White		1013	28.62%
v. Hispanic/ Latino		259	7.32%
b. Male		2154	60.85%
i. Alaska/ Native American/ Indian		6	0.17%
ii. Asian/ Pacific Islander		31	0.88%
iii. Black		158	4.46%
iv. White		1459	41.21%
v. Hispanic/ Latino		500	14.12%
06. Reason for Stop:			
a. Violation of Law		16	0.45%
i. Alaska/ Native American/ Indian		0	0.00%
ii. Asian/ Pacific Islander		0	0.00%

Racial Profiling Analysis Report

iii. Black	1	6.25%
iv. White	11	68.75%
v. Hispanic/ Latino	4	25.00%
b. Pre-Existing Knowledge	15	0.42%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	2	13.33%
iv. White	10	66.67%
v. Hispanic/ Latino	3	20.00%
c. Moving Traffic Violation	2564	72.43%
i. Alaska/ Native American/ Indian	6	0.23%
ii. Asian/ Pacific Islander	48	1.87%
iii. Black	188	7.33%
iv. White	1784	69.58%
v. Hispanic/ Latino	538	20.98%
d. Vehicle Traffic Violation	945	26.69%
i. Alaska/ Native American/ Indian	1	0.11%
ii. Asian/ Pacific Islander	8	0.85%
iii. Black	55	5.82%
iv. White	667	70.58%
v. Hispanic/ Latino	214	22.65%
07. Was a Search Conducted:		
a. NO	3322	93.84%
i. Alaska/ Native American/ Indian	7	0.21%
ii. Asian/ Pacific Islander	56	1.69%
iii. Black	216	6.50%
iv. White	2345	70.59%
v. Hispanic/ Latino	698	21.01%
b. YES	218	6.16%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	30	13.76%
iv. White	127	58.26%
v. Hispanic/ Latino	61	27.98%
08. Reason for Search:		
a. Consent	40	1.13%

Racial Profiling Analysis Report

i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	3	7.50%
iv. White	25	62.50%
v. Hispanic/ Latino	12	30.00%
b. Contraband in Plain View	22	0.62%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	3	13.64%
iv. White	11	50.00%
v. Hispanic/ Latino	8	36.36%
c. Probable Cause	114	3.22%
ii. Alaska/ Native American/ Indian	0	0.00%
i. Asian/ Pacific Islander	0	0.00%
iii. Black	21	18.42%
iv. White	66	57.89%
v. Hispanic/ Latino	27	23.68%
d. Inventory	17	0.48%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	3	17.65%
iv. White	9	52.94%
v. Hispanic/ Latino	5	29.41%
e. Incident to Arrest	25	0.71%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	0	0.00%
iv. White	16	64.00%
v. Hispanic/ Latino	9	36.00%
09. Was Contraband Discovered:		
YES	152	4.29%
i. Alaska/ Native American/ Indian	0	0.00%
Finding resulted in arrest - YES	0	
Finding resulted in arrest - NO	0	
ii. Asian/ Pacific Islander	0	0.00%
Finding resulted in arrest - YES	0	
Finding resulted in arrest - NO	0	
iii. Black	23	15.13%

Racial Profiling Analysis Report

Finding resulted in arrest - YES	20	
Finding resulted in arrest - NO	3	
iv. White	86	56.58%
Finding resulted in arrest - YES	62	
Finding resulted in arrest - NO	24	
v. Hispanic/ Latino	43	28.29%
Finding resulted in arrest - YES	39	
Finding resulted in arrest - NO	4	
b. NO	66	1.86%
i. Alaska/ Native American/ Indian	0	0.00%
i. Asian/ Pacific Islander	0	0.00%
iii. Black	7	10.61%
iv. White	41	62.12%
v. Hispanic/ Latino	18	27.27%
10. Description of Contraband:		
a. Drugs	121	3.42%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	22	18.18%
iv. White	68	56.20%
v. Hispanic/ Latino	31	25.62%
b. Currency	0	0.00%
i. Alaska/ Native American/ Indian	0	
ii. Asian/ Pacific Islander	0	
iii. Black	0	
iv. White	0	
v. Hispanic/ Latino	0	
c. Weapons	4	0.11%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	0	0.00%
iv. White	2	50.00%
v. Hispanic/ Latino	2	50.00%
d. Alcohol	21	0.59%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	1	4.76%
iv. White	13	61.90%

Racial Profiling Analysis Report

v. Hispanic/ Latino	7	33.33%
e. Stolen Property	1	0.03%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	0	0.00%
iv. White	1	100.00%
v. Hispanic/ Latino	0	0.00%
f. Other	5	0.14%
i. Alaska/ Native American/ Indian	0	0.00%
i. Asian/ Pacific Islander	0	0.00%
iii. Black	0	0.00%
iv. White	2	40.00%
v. Hispanic/ Latino	3	60.00%
11. Result of Stop:		
a. Verbal Warning	0	0.00%
i. Alaska/ Native American/ Indian	0	
ii. Asian/ Pacific Islander	0	
iii. Black	0	
iv. White	0	
v. Hispanic/ Latino	0	
b. Written Warning	2641	74.60%
i. Alaska/ Native American/ Indian	7	0.27%
ii. Asian/ Pacific Islander	40	1.51%
iii. Black	164	6.21%
iv. White	1950	73.84%
v. Hispanic/ Latino	480	18.17%
c. Citation	732	20.68%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	16	2.19%
iii. Black	59	8.06%
iv. White	428	58.47%
v. Hispanic/ Latino	229	31.28%
d. Written Warning and Arrest	0	0.00%
i. Alaska/ Native American/ Indian	0	
ii. Asian/ Pacific Islander	0	
iii. Black	0	
iv. White	0	
v. Hispanic/ Latino	0	

Racial Profiling Analysis Report

e. Citation and Arrest	127	3.59%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	19	14.96%
iv. White	74	58.27%
v. Hispanic/ Latino	34	26.77%
f. Arrest	40	1.13%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	4	10.00%
iv. White	20	50.00%
v. Hispanic/ Latino	16	40.00%
12. Arrest Based On:		
a. Violation of Penal Code	126	3.56%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	19	15.08%
iv. White	65	51.59%
v. Hispanic/ Latino	42	33.33%
b. Violation of Traffic Law	6	0.17%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	1	16.67%
iv. White	4	66.67%
v. Hispanic/ Latino	1	16.67%
c. Violation of City Ordinance	0	0.00%
i. Alaska/ Native American/ Indian	0	
ii. Asian/ Pacific Islander	0	
iii. Black	0	
iv. White	0	
v. Hispanic/ Latino	0	
d. Outstanding Warrant	35	0.99%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	3	8.57%
iv. White	25	71.43%
v. Hispanic/ Latino	7	20.00%

Racial Profiling Analysis Report

13. Was Physical Force Used:

a. NO	3540	100.00%
i. Alaska/ Native American/ Indian	7	0.20%
ii. Asian/ Pacific Islander	56	1.58%
iii. Black	246	6.95%
iv. White	2472	69.83%
v. Hispanic/ Latino	759	21.44%
b. YES	0	0.00%
i. Alaska/ Native American/ Indian	0	
ii. Asian/ Pacific Islander	0	
iii. Black	0	
iv. White	0	
v. Hispanic/ Latino	0	
b 1. YES: Physical Force Resulting in Bodily Injury to Suspect	0	
b 2. YES: Physical Force Resulting in Bodily Injury to Officer	0	
b 3. YES: Physical Force Resulting in Bodily Injury to Both	0	
14. Total Number of Racial Profiling Complaints Received:	0	

REPORT DATE COMPILED 01/21/2022

RACIAL PROFILING ANALYSIS January 2021 - December 2021

LAMPASAS POLICE DEPARTMENT
301 EAST 4TH STREET
LAMPASAS, TX 76550

Race/Ethnicity	Contacts		Searches		Consent Searches		PC Searches		Custody Arrest	
	N	%	N	%	N	%	N	%	N	%
Caucasian	2472	69.8%	127	58.3%	25	62.5%	102	57.3%	94	56.3%
African American	246	6.9%	30	13.8%	3	7.5%	27	15.2%	23	13.8%
Hispanic	759	21.4%	61	28.0%	12	30.0%	49	27.5%	50	29.9%
Asian	56	1.6%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Native American	7	.2%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Middle Eastern	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Total	3540		218		40		178		167	

Data on Corrective Action

As per Code of Criminal Procedure Article 2.134 (C) (2) The following table will be used to gather and contain data regarding officers that have been the subject of a complaint during the yearly reporting period of from the first of the year until the end of the year reporting period. This report will be included with the yearly Racial Profiling Report based on allegations outlining possible violations related to the Texas Racial Profiling Law. The final disposition of the case is also included.

X

X will indicate that the Lampasas Police Department has not received any complaints, on any members of its police force, for having violated the Texas Racial Profiling Law during January 1, 2021 to December 31, 2021.

The Lampasas Police Department received no complaints of Racial Profiling during the 2021 collection period.

Complaints Filed for Possible Violations Code of Criminal Procedure

Complaint No.	Alleged Violation			Disposition of the Case
2021 collection period				
None	None	None	None	None

Table 1.0

January 2021-December 2021 Racial Profiling Analysis

RACIAL PROFILING ANALYSIS January 2021 - December 2021

LAMPASAS POLICE DEPARTMENT
301 EAST 4TH STREET
LAMPASAS, TX 76550

Race/Ethnicity	Contacts		Searches		Consent Searches		PC Searches		Custody Arrest	
	N	%	N	%	N	%	N	%	N	%
Caucasian	2472	69.8%	127	58.3%	25	62.5%	102	57.3%	94	56.3%
African American	246	6.9%	30	13.8%	3	7.5%	27	15.2%	23	13.8%
Hispanic	759	21.4%	61	28.0%	12	30.0%	49	27.5%	50	29.9%
Asian	56	1.6%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Native American	7	.2%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Middle Eastern	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Total	3540		218		40		178		167	

No reports or complaints of racial profiling were received.

QuickFacts
Lampasas city, Texas

QuickFacts provides statistics for all states and counties, and for cities and towns with a *population of 5,000 or more*.

Table

All Topics	Lampasas city, Texas
Population Estimates, July 1 2021, (V2021)	NA
PEOPLE	
Population	
Population Estimates, July 1 2021, (V2021)	NA
Population estimates base, April 1, 2020, (V2021)	NA
Population, percent change - April 1, 2020 (estimates base) to July 1, (V2021)	NA
Population, Census, April 1, 2020	7,291
Population, Census, April 1, 2010	6,681
Age and Sex	
Persons under 5 years, percent	7.4%
Persons under 18 years, percent	25.9%
Persons 65 years and over, percent	17.9%
Female persons, percent	52.4%
Race and Hispanic Origin	
White alone, percent	85.7%
Black or African American alone, percent (a)	5.0%
American Indian and Alaska Native alone, percent (a)	0.6%
Asian alone, percent (a)	2.0%
Native Hawaiian and Other Pacific Islander alone, percent (a)	0.3%
Two or More Races, percent	4.4%
Hispanic or Latino, percent (b)	23.7%
White alone, not Hispanic or Latino, percent	67.5%
Population Characteristics	
Veterans, 2015-2019	542
Foreign born persons, percent, 2015-2019	4.8%
Housing	
Housing units, July 1, 2019, (V2019)	X
Owner-occupied housing unit rate, 2015-2019	61.3%
Median value of owner-occupied housing units, 2015-2019	\$118,800
Median selected monthly owner costs -with a mortgage, 2015-2019	\$1,306
Median selected monthly owner costs -without a mortgage, 2015-2019	\$610
Median gross rent, 2015-2019	\$736
Building permits, 2020	X
Families & Living Arrangements	
Households, 2015-2019	2,864
Persons per household, 2015-2019	2.63
Living in same house 1 year ago, percent of persons age 1 year+, 2015-2019	91.6%
Language other than English spoken at home, percent of persons age 5 years+, 2015-2019	14.6%
Computer and Internet Use	
Households with a computer, percent, 2015-2019	85.1%
Households with a broadband Internet subscription, percent, 2015-2019	70.3%
Education	
High school graduate or higher, percent of persons age 25 years+, 2015-2019	86.0%
Bachelor's degree or higher, percent of persons age 25 years+, 2015-2019	14.8%
Health	
With a disability, under age 65 years, percent, 2015-2019	14.3%
Persons without health insurance, under age 65 years, percent	19.6%
Economy	
In civilian labor force, total, percent of population age 16 years+, 2015-2019	

In civilian labor force, female, percent of population age 16 years+, 2015-2019	52.5%
Total accommodation and food services sales, 2012 (\$1,000) (c)	18,904
Total health care and social assistance receipts/revenue, 2012 (\$1,000) (c)	D
Total manufacturers shipments, 2012 (\$1,000) (c)	D
Total retail sales, 2012 (\$1,000) (c)	196,408
Total retail sales per capita, 2012 (c)	\$28,656
Transportation	
Mean travel time to work (minutes), workers age 16 years+, 2015-2019	22.8
Income & Poverty	
Median household income (in 2019 dollars), 2015-2019	\$47,010
Per capita income in past 12 months (in 2019 dollars), 2015-2019	\$24,333
Persons in poverty, percent	▲ 19.9%

BUSINESSES

Businesses	
Total employer establishments, 2019	X
Total employment, 2019	X
Total annual payroll, 2019 (\$1,000)	X
Total employment, percent change, 2018-2019	X
Total nonemployer establishments, 2018	X
All firms, 2012	906
Men-owned firms, 2012	600
Women-owned firms, 2012	228
Minority-owned firms, 2012	161
Nonminority-owned firms, 2012	697
Veteran-owned firms, 2012	38
Nonveteran-owned firms, 2012	816

GEOGRAPHY

Geography	
Population per square mile, 2010	992.5
Land area in square miles, 2010	6.73
FIPS Code	4841188

[About datasets used in this table](#)

Value Notes

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Fact Notes

- (a) Includes persons reporting only one race
- (c) Economic Census - Puerto Rico data are not comparable to U.S. Economic Census data
- (b) Hispanics may be of any race, so also are included in applicable race categories

Value Flags

- Either no or too few sample observations were available to compute an estimate, or a ratio of medians cannot be calculated because one or both of the median estimates falls in the lowest or upper interval of the distribution.
- F Fewer than 25 firms
- D Suppressed to avoid disclosure of confidential information
- N Data for this geographic area cannot be displayed because the number of sample cases is too small.
- FN Footnote on this item in place of data
- X Not applicable
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- NA Not available
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QuickFacts Lampasas County, Texas

QuickFacts provides statistics for all states and counties, and for cities and towns with a population of 5,000 or more.

Table

All Topics	Lampasas County, Texas
Total retail sales, 2012 (\$1,000) (c)	208,945
PEOPLE	
Population	
Population Estimates, July 1, 2021, (V2021)	NA
Population estimates base, April 1, 2020, (V2021)	NA
Population, percent change - April 1, 2020 (estimates base) to July 1, 2021, (V2021)	NA
Population, Census, April 1, 2020	21,627
Population, Census, April 1, 2010	19,677
Age and Sex	
Persons under 5 years, percent	5.2%
Persons under 18 years, percent	21.6%
Persons 65 years and over, percent	20.2%
Female persons, percent	50.9%
Race and Hispanic Origin	
White alone, percent	89.8%
Black or African American alone, percent (a)	4.2%
American Indian and Alaska Native alone, percent (a)	1.2%
Asian alone, percent (a)	1.4%
Native Hawaiian and Other Pacific Islander alone, percent (a)	0.5%
Two or More Races, percent	2.8%
Hispanic or Latino, percent (b)	19.4%
White alone, not Hispanic or Latino, percent	72.4%
Population Characteristics	
Veterans, 2015-2019	3,554
Foreign born persons, percent, 2015-2019	4.8%
Housing	
Housing units, July 1, 2019, (V2019)	9,529
Owner-occupied housing unit rate, 2015-2019	77.4%
Median value of owner-occupied housing units, 2015-2019	\$161,600
Median selected monthly owner costs -with a mortgage, 2015-2019	\$1,433
Median selected monthly owner costs -without a mortgage, 2015-2019	\$560
Median gross rent, 2015-2019	\$774
Building permits, 2020	49
Families & Living Arrangements	
Households, 2015-2019	7,807
Persons per household, 2015-2019	2.64
Living in same house 1 year ago, percent of persons age 1 year+, 2015-2019	91.7%
Language other than English spoken at home, percent of persons age 5 years+, 2015-2019	11.4%
Computer and Internet Use	
Households with a computer, percent, 2015-2019	89.3%
Households with a broadband Internet subscription, percent, 2015-2019	76.7%
Education	
High school graduate or higher, percent of persons age 25 years+, 2015-2019	91.0%
Bachelor's degree or higher, percent of persons age 25 years+, 2015-2019	19.9%
Health	
With a disability, under age 65 years, percent, 2015-2019	15.9%
Persons without health insurance, under age 65 years, percent	18.5%
Economy	
In civilian labor force, total, percent of population age 16 years+, 2015-2019	56.7%

In civilian labor force, female, percent of population age 16 years+, 2015-2019	51.6%
Total accommodation and food services sales, 2012 (\$1,000) (c)	19,751
Total health care and social assistance receipts/revenue, 2012 (\$1,000) (c)	45,695
Total manufacturers shipments, 2012 (\$1,000) (c)	D
Total retail sales, 2012 (\$1,000) (c)	208,945
Total retail sales per capita, 2012 (c)	\$10,392
Transportation	
Mean travel time to work (minutes), workers age 16 years+, 2015-2019	27.7
Income & Poverty	
Median household income (in 2019 dollars), 2015-2019	\$60,772
Per capita income in past 12 months (in 2019 dollars), 2015-2019	\$29,412
Persons in poverty, percent	▲ 10.0%

BUSINESSES

Businesses	
Total employer establishments, 2019	407
Total employment, 2019	4,244
Total annual payroll, 2019 (\$1,000)	142,618
Total employment, percent change, 2018-2019	-1.0%
Total nonemployer establishments, 2018	1,622
All firms, 2012	1,358
Men-owned firms, 2012	882
Women-owned firms, 2012	360
Minority-owned firms, 2012	271
Nonminority-owned firms, 2012	1,036
Veteran-owned firms, 2012	147
Nonveteran-owned firms, 2012	1,155

GEOGRAPHY

Geography	
Population per square mile, 2010	27.6
Land area in square miles, 2010	712.84
FIPS Code	48281

[About datasets used in this table](#)

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Fact Notes

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Value Flags

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QuickFacts
Lampasas County, Texas

QuickFacts provides statistics for all states and counties, and for cities and towns with a *population of 5,000 or more*.

Table

Population	Lampasas County, Texas
Total retail sales, 2012 (\$1,000) (c)	208,945
PEOPLE	
Population	
Population Estimates, July 1 2021, (V2021)	NA
Population estimates base, April 1, 2020, (V2021)	NA
Population, percent change - April 1, 2020 (estimates base) to July 1, 2021, (V2021)	NA
Population, Census, April 1, 2020	21,627
Population, Census, April 1, 2010	19,677

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QuickFacts
Texas

QuickFacts provides statistics for all states and counties, and for cities and towns with a *population of 5,000 or more*.

Table

PEOPLE	
Population	
Population Estimates, July 1 2021, (V2021)	29,527,941
Population estimates base, April 1, 2020, (V2021)	29,145,505
Population, percent change - April 1, 2020 (estimates base) to July 1, 2021, (V2021)	1.3%
Population, Census, April 1, 2020	29,145,505
Population, Census, April 1, 2010	25,145,561
Age and Sex	
Persons under 5 years, percent	6.9%
Persons under 18 years, percent	25.5%
Persons 65 years and over, percent	12.9%
Female persons, percent	50.3%
Race and Hispanic Origin	
White alone, percent	78.7%
Black or African American alone, percent (a)	12.9%
American Indian and Alaska Native alone, percent (a)	1.0%
Asian alone, percent (a)	5.2%
Native Hawaiian and Other Pacific Islander alone, percent (a)	0.1%
Two or More Races, percent	2.1%
Hispanic or Latino, percent (b)	39.7%
White alone, not Hispanic or Latino, percent	41.2%
Population Characteristics	
Veterans, 2015-2019	1,453,450
Foreign born persons, percent, 2015-2019	17.0%
Housing	
Housing units, July 1, 2019, (V2019)	11,283,353
Owner-occupied housing unit rate, 2015-2019	62.0%
Median value of owner-occupied housing units, 2015-2019	\$172,500
Median selected monthly owner costs -with a mortgage, 2015-2019	\$1,606
Median selected monthly owner costs -without a mortgage, 2015-2019	\$514
Median gross rent, 2015-2019	\$1,045
Building permits, 2020	230,503
Families & Living Arrangements	
Households, 2015-2019	9,691,647
Persons per household, 2015-2019	2.85
Living in same house 1 year ago, percent of persons age 1 year+, 2015-2019	84.4%
Language other than English spoken at home, percent of persons age 5 years+, 2015-2019	35.5%
Computer and Internet Use	
Households with a computer, percent, 2015-2019	91.0%
Households with a broadband Internet subscription, percent, 2015-2019	81.9%
Education	
High school graduate or higher, percent of persons age 25 years+, 2015-2019	83.7%
Bachelor's degree or higher, percent of persons age 25 years+, 2015-2019	29.9%
Health	
With a disability, under age 65 years, percent, 2015-2019	7.9%
Persons without health insurance, under age 65 years, percent	26.6%
Economy	

In civilian labor force, total	All Topics	Texas
In civilian labor force, female		
Total accommodation and food services receipts/revenue, 2012 (\$1,000) (c)	Population Estimates, July 1 2021, (V2021)	29,527
Total health care and social assistance receipts/revenue, 2012 (\$1,000) (c)		145,035,130
Total manufacturers shipments, 2012 (\$1,000) (c)		702,603,073
Total retail sales, 2012 (\$1,000) (c)		356,116,376
Total retail sales per capita, 2012 (c)		\$13,666
Transportation		
Mean travel time to work (minutes), workers age 16 years+, 2015-2019		26.6
Income & Poverty		
Median household income (in 2019 dollars), 2015-2019		\$61,874
Per capita income in past 12 months (in 2019 dollars), 2015-2019		\$31,277
Persons in poverty, percent		13.4%
BUSINESSES		
Businesses		
Total employer establishments, 2019		609,476
Total employment, 2019		11,104,054
Total annual payroll, 2019 (\$1,000)		611,142,429
Total employment, percent change, 2018-2019		2.9%
Total nonemployer establishments, 2018		2,514,301
All firms, 2012		2,356,748
Men-owned firms, 2012		1,251,696
Women-owned firms, 2012		866,678
Minority-owned firms, 2012		1,070,392
Nonminority-owned firms, 2012		1,224,845
Veteran-owned firms, 2012		213,590
Nonveteran-owned firms, 2012		2,057,218
GEOGRAPHY		
Geography		
Population per square mile, 2010		96.3
Land area in square miles, 2010		261,231.71
FIPS Code		48

Value Notes

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FAIR ROADS STANDARD

RECOMMENDED ACLU/ NAACP/LULAC/TCJRC STANDARD FOR COMPARATIVE ANALYSIS OF RACIAL PROFILING DATA

The Fair Roads Standard uses Census data on vehicle availability to calculate a statistical baseline by which departments can estimate the prevalence of racial profiling as required in Texas state law.

Methodology for the Fair Roads Standard

The methodology for using the Census vehicle availability baseline is quite easy. It takes only 20 minutes and requires only simple arithmetic.*

1. Pull the vehicle availability data from the Census.
 - ◆ Go to <http://www.census.gov>
 - ◆ Click on "American Fact Finder," then "Data Sets," then "Census 2000 Summary File 3 (SF3) Sample Data."
 - ◆ Choose "Detailed Tables," then click "Show all geography types." Add geography types as needed and then hit "Next."
 - If you are a city police department – choose "place."
 - If you are a sheriff's department – choose "county."
 - Choose the "primary metropolitan statistical area" to provide an additional baseline to accommodate traffic stops of out-of-jurisdiction drivers.
 - ◆ Choose "Show all tables." Then add the following tables one at a time: HCT33B, HCT33D, HCT33H, HCT33I, and H44. Then hit "Show Table."
2. Use table H44 to find the total number of households with vehicles available. Take the total and subtract the number of owners with no cars available and the number of renters with no cars available. The resulting number is the total number of households with cars available. For example, in Anytown, TX the total given in H44 is 20, which is represented by "U" and the number of owners with no car available is 5 or "V," while the number of renters with no car available is 5 or "W." The number of households with vehicles available is "X."

- ◆ In Anytown, TX: $U = 20$, $V = 5$, $W = 5$, $X =$ the # of households with vehicles
 - ◆ $U - (V + W) = X$ or $20 - (5 + 5) = 10$
3. For each race divide the number of households with "1 or more vehicles available" by the total of households with cars ("X"). For example use table HCT33B to get the number of African Americans with at least one car, or "Y." Then divide "Y" by the total number of households with cars (from table H44), "X." That will give you "Z" - your baseline for African American drivers. In Anytown, Texas only 2 African American households have vehicles available.
- ◆ In Anytown, Texas: $Y = 2$, $X = 10$, $Z =$ baseline for African American drivers
 - ◆ $Y / X = Z$ or $2 / 10 = 0.2$ or 20%
4. Repeat for each race. Your "Y" will change depending on which race you are calculating, but "X" is constant. When you are finished you will have your Fair Roads Standard baseline percentages.
5. Now, from the data collected in 2002 by your department, calculate the percentage of the total for each race ("A" in the equation below).
6. Once you have baselines for each race you are ready to calculate the relative difference of stops ("B"), which will quantify the deviation of traffic stop rates from the Fair Roads Standard baseline. Divide the percentage of in-jurisdiction traffic stops for a given race ("A") by the percentage of vehicle availability ("Z") for that race. In Anytown, Texas Latinos make up 5% of stops and their percentage of vehicle availability is 10%.
- ◆ In Anytown, Texas: $A = 5$, $Z = 10$, $B =$ the relative difference
 - ◆ $A/Z = B$ or $5 / 10 = 0.50$ or 50%
 - If the resulting number is 1 then the rate of stops is equal to the rate of vehicle availability for that race.
 - If the resulting number is larger than 1, then that race is stopped at a higher frequency compared to their level of vehicle availability.
 - If the resulting number is less than 1, then that race is stopped at a rate less than their rate of vehicle availability.
 - Take the difference between the resulting number and 1, then multiply by 100 to get a percentage showing how much more or less frequently that race is stopped compared with how many people from that race are on the road..
 - ◆ In Anytown, TX, Latinos are stopped at a rate 50% lower than their rate of access to vehicles.

7. Repeat for each race. The "A," "Z" and "B" will change for each calculation.
8. The second level of calculations requires the measurement of out-of-jurisdiction traffic stops to the vehicle availability rate of a larger geographical area – the "primary metropolitan statistical area." Follow the above steps using the "primary metropolitan statistical area" as the geographic area and compare it with your data for out-of-jurisdiction traffic stops. This allows you to develop an additional baseline for out-of-jurisdiction stops.

Methodology for Evaluating Searches

The built-in baseline for evaluating searches is "A," above, or the percentage of traffic stops by race. Divide the percentage of searches ("H") by the percentage of stops for each race ("A"). This will provide the relative difference or the rate of deviation from the baseline. For this example we will look at the relative difference for Caucasians. Caucasians make up 75% of all searches and only 50% of all stops.

1. In Anytown, Texas: H = 75%, A = 50%, S = relative difference
2. $H / A = S$ or $75\% / 50\% = 1.5$
3. In Anytown, TX, whites are searched at a rate 1.5 times higher than the rate at which they are stopped.

Methodology for Evaluating Latinos with Licensed Population Data

In Texas, because of limitations on data, using licensed drivers as a racial profiling baseline is fundamentally flawed. Texas drivers license lumps together totals for Latinos with whites. However, some consultants still advocate its use, even though it does not allow separate data comparisons for whites or Latinos. Dozens of agencies have attended seminars by consultants advocating this methodology. ACLU, LULAC, and TCJRC believe that methodology should be rejected. But if law enforcement agencies choose to use drivers' license data as a baseline, those calculations should be modified to estimate baseline data for Latinos and whites. This can be easily done using the vehicle availability statistics generated in step 2 above.

1. Take the vehicle availability number for Caucasians (from table HCT33I) with "1 or more vehicles available" ("P"). Add that number to the vehicle availability number for Latinos (from table HCT33H) with "1 or more vehicles available," to get "Q"
2. Divide licensed driver total for Caucasians ("P") by the total for Caucasians and Latinos ("Q").

◆ In Anytown, Texas: P = 7, Q = 10

◆ P / Q or $7 / 10 = 0.7$

3. The resulting number is the multiplier, "R." Multiply "R" by the licensed driver total for Caucasians and Latinos ("Q"). That will give an estimate for the total number of Caucasians with driver licenses.

◆ In Anytown, Texas: $R = 0.7, Q = 10$

◆ $R \times Q$ or $0.7 \times 10 = 7$

4. Take the combined licensed driver total for Caucasians and Latinos ("Q") and subtract the new number of Caucasians with driver licenses ("C"). This will yield an estimated number for licensed Latinos or "T."

◆ In Anytown, Texas: $Q = 10$ and $C = 7$

◆ $10 - 7 = 3$ or "T"

- Please contact TCJRC for an Excel spreadsheet with the formulas of the Fair Roads Standard already inputted. It is available free of charge. Send a request to Shamiso@ProTex.org

Total Vehicles: 2558 *No vehicle-owner* -102 *No vehicle-renter* -196

Total	Asian	Hispanic	Caucasian
2260	9	350	1852
0.014	0.004	0.155	0.819 Z

Baselines:

Af= 0.14
 As= .004
 Hs= .155
 Cs= .819

A= % of resident contact stops for given race
 Z=% of vehicle availability for that race (Baselines)
 B= relative difference

If the B is =1 then A=Z
 If the B is > 1 then stopped @ higher frequency
 If the B is < 1 then stopped at a lesser frequency

Take $(B-1) \times 100 = \% \text{ of more/less frequency}$

Searches:
 H = % of searches
 A = % of stops
 S= relative difference

	African	Asian	Hispanic	Caucasian
	32	9	350	1852
	2260	2260	2260	2260
Z	0.014	0.004	0.155	0.819
	0.044590/0.014	0.03037/.004	.175004/0.155	.776730/0.819
#6	3.18500	0.759250	11.290581	0.948389

African

A/Z=B #1 0.044590/0.014=3.18500

>1 = higher frequency

#3 3.18500

3.1850-1=2.1850x100= 2.1% Higher

(shows race more frequently stopped compared with how many people from that race are on the road.)

(Searches) H/A=S #4

H/Searches=28

.01003%

A/Stops =279

.44590%

.01003/.44590=2.250

(Searched at a rate higher than the rate at which this race is stopped.)

Asian

.003037/.004=0.7592

<1 = less

0.7592-1=0.0248x100=0.24 % less

(Searches)

H/Searches=0

A/Stops=19

=0%

No searches conducted.

Hispanic

$$.175004/.155=1.1290$$

>1=higher

$$1.1290-1=0.1290 \times 100=1.29 \% \text{ higher}$$

(Searches)

$$H/\text{Searches}=246$$

$$.100359$$

$$A/\text{Stops}=1095$$

$$.175004$$

$$.100359/.175004= 2.25$$

(Searched at a rate higher than stopped.)

Caucasian

$$.776730/.819=0.9483$$

<1=less

$$.9483-1=0.0516 \times 100=5.16\% \text{ less}$$

(Searches)

$$H/\text{Searches}=527$$

$$.10843$$

$$A/\text{Stops}=4860$$

$$.77673$$

$$.10843/.77673=1.39$$

Searched at a rate higher than stopped.

Anaylsis City of Lampasas Census Population compared to Contacts

Table 2.0 City of Lampasas Census Population Compared with Contacts

Population 7,291 Cityof, Lampasas 2021	Census Percentage	2021 Contacts	Difference	More or Less
Caucasian/White Alone	85.7%	69.8%	15.9%	Less
Black or African	5.0%	6.9%	1.9%	More
Hispanic	23.7%	21.4%	2.3%	Less
Asian	2.0%	1.6%	0.4%	Less
Native American	0.3%	.2%	0.1%	Less
Middle Eastern	N/A	0	0	NA

Table 2.1 City of Lampasas Census Population Compared with Searches

Population 7,291 Cityof, Lampasas 2021	Census Percentage	2021 All Searches	Difference	More or Less
Caucasian/White Alone	85.7%	58.3%	27.4%	Less
Black or African	5.0%	13.8%	8.8%	More
Hispanic	23.7%	28.0%	4.3%	More
Asian	2.0%	0.0	N/A	N/A
Native American	0.3%	0.0	N/A	N/A
Middle Eastern	N/A	0.0	N/A	NA

Table 3.0 State of Texas Census Population Compared to Contacts.

Population Texas 2021	Census Percentage	2021 Contacts	Difference	More or Less
Caucasian/White Alone	78.7 %	69.8%	8.9%	Less
Black or African	12.9%	6.9%	6%	Less
Hispanic	39.7%	21.4%	18.3%	Less
Asian	5.2 %	1.6%	3.6%	Less
Native American	1.0%	.2%	0.1%	Less
Middle Eastern	N/A	0.0	0.0	NA

Table 3.1 State of Texas Census Population Compared with Contacts/Searches

Population Texas 2021	Census Percentage	2021 ALL Searches	Difference	More or Less
Caucasian/White Alone	78.7 %	58.3%	20%	Less
Black or African	12.9%	13.8%	0.9%	More
Hispanic	39.7%	28.0%	11.7%	Less
Asian	5.2 %	0.0%	0.0%	N/A
Native American	1.0%	0.0%	0.0%	N/A
Middle Eastern	N/A	0.9%	0.0%	NA

- **Lampasas is supposed to have two vehicles per household, the 2015-2019 US Census households for Lampasas shows to be 2,864, this would be 5,728.**

Analysis and Interpretation of Data

The Lampasas Police Department does not tolerate any discrimination of any person and prohibits racial profiling. We understand that the purpose of this report is to show that we do not racially profile by having transparency in the collection and disclosure of the collected information, but we believe that all will agree it is difficult to determine racial profiling is occurring simply by traffic stop statistics. Of course, if there was a wide discrepancy in traffic stops, searches and arrest by a department or by an individual officer one could be inclined to look further to make that assessment. We do not see a large discrepancy in our statistics nor in our peace officers or employees that interact with the public. We treat all in the manner we would want to be treated or the way we would want our love ones treated if they had interaction with peace officers.

Included in this report is the Racial Profiling law requirements, changes and additions to various laws in regards as they pertain to the racial profiling laws and the fair treatment of all. Please know that the Lampasas Police Department follows these laws and department policy without exception. We are all brothers and sister in christ regardless of our race.

The Lampasas Police Department follows Code of Criminal Procedure Article 2.131., 2.132, 2.133, 2.134 in regards to racial profiling and has a policy that strictly prohibits racial profiling. The policy clearly defines acts of racial profiling and strictly prohibits all peace officers from engaging in racial profiling. The department has a culture and subculture of respect for all. A copy of policy has been included in your report.

Code of Criminal Procedure Article 2.132 requires specific training relating to racial profiling, in this report are the training requirements and a copy or a brief on the training. Reviewing TCOLE records of the department, all peace officers of the department have some level of cultural sensitivity training and/or the required racial profiling training to include the Chief of Police. Chief Sammy Bailey has been an Officer with the department since 1987, she has attended many trainings to include the Brown Eyes/Blue Eyes training in the early 90's in regards to cultural and racial differences. She also meets all training requirements as specified by the Texas Racial Profiling Law to include completion of Chief's training with the Law Enforcement Management Institute of Texas (LEMIT) and continuing education requirements as per Education Code 96.641. She has completed both trainings by TCOLE standards TCOLE #3780 and continues to meet TCOLE #3740.

This report includes a copy of the brochure that is in our lobby in regards to our policy of no racial profiling and how to report racial profiling. There is public education in regards to the agency's compliment and complaint process, including a telephone number, mailing address and email address with respect to each ticket, citation or warning issued by a peace officer. This is done on the City webpage, by local media, social media, and on the ticket, citation or warning itself. Based on the number of phone calls, emails, letters, and visits complimenting and commending peace officers and employees that we receive, and the few complaints, we feel that the citizenry of Lampasas is well informed in this process and those that are not upon reaching out to any one involved with the department or the judicial process will direct them to the department for complaint. Chief Bailey has a no appointment is necessary to come into the police department to meet with her.

Within the Lampasas Police Department policy that strictly prohibits racial profiling there is after an investigation corrective action up to termination that is followed should racial profiling be found. A chart is included in this report that indicates the number of complaints received regarding racial profiling. The department received no complaints during this reporting period.

The Racial Profiling law requires the collection of information relating to motor vehicle stops in which a ticket, citation, or warning is issued and arrests made as a result of those stops. Criminal Code of Procedures Article 2.133 Required for Motor Vehicle Stops outlines these requirements as follows:

- (a) 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 persons 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 the violation of the Penal Code, a violation of traffic law or ordinance, or an outstanding warrant and a state of the offense charged;

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

(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 a term defined by Section 1.07, Penal Code, during the stop. **During this reporting period there was no bodily injury occurred as a result of physical force.**

All the above is the Tier 2 report that is part of this report.

(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 reported.

Article 2.132 (b) (7) require the Chief Administrator of the agency to submit an annual report of the requirements stated above in the Tier2/Full Report to the Texas Commission on Law Enforcement prior to the required date of before March 1 and provide an anyalsis of the information. (Submitted to the TCOLE on_January 21, 2022_____).

Code of Criminal Procedure Article 2.132 (b)(7) requires the Chief Administrator of the agency to submit an annual report of the information collected to 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 prior to March 1.

This report was submitted and presented to the City of Lampasas City Council on ___February 14, 2022_____.

A copy of this report was shared with the County Judge of Lampasas County on or before ___February 14, 2022_____.

Code of Criminal Procedure Article 2.134 Compilation and Analysis of Information Collected. To reinforce the earlier comment that the statistics alone should not be used the law even states that the data collection as a result of the reporting requirements of this article are not prima facie evidence of racial profiling.

These analysis requirements are found in the Tier 2/Full reporting requirements, Tier 2 breakdown with percentages and Table 1.0 provide the required TCOLE compilation and analysis of information collected.

Table 2.0, Table 2.1, Table 3.0 and Table 3.1 help us to analyse with comparisons to population.

Code of Criminal Procedure Article 2.132 7 (B) (d) On adaption of a policy under Subsection (b), a law enforcement agency shall examine the feasibility of installing video cameras 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 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 camera, as that term is defined by Section 1701.651, Occupation 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. In following (d) the Lampasas Police Department has installed functioning video cameras and transmitter activated equipment in each law enforcement motor vehicle that regularly makes motor vehicles stops. The Lampasas Police Department currently does not have any motorcycles in our fleet of units.

- In following (d) the Lampasas Police Department does provide each peace officer who regularly detains or stops motor vehicles with a body camera. A copy of the written policy is included int his report. The department does follow a standard for reviewing and documenting the video and audio.

Body Worn Video Procedures

Purpose:

Police service delivery entails numerous contacts between the police and the citizenry, some of which occur under adverse conditions. When possible, in order to protect Department, its officers, and the citizens we serve, it is often advantageous to have an accurate record of citizen/police interaction. Documentation offered by body camera video systems can help provide such verification and may also enhance an officer's report, the collection of evidence and other investigative activities, facilitate transparency and accountability with department employees and the public, and generally aid in the prosecution of criminal acts.

The purpose of this policy is to provide personnel with guidelines for the utilization, operation, and maintenance of the issued portable video recording devices/body worn camera.

Procedures:

Any member of the department assigned with a portable video recording devices/body worn camera system designated specifically for their use will use the department provided system.

1. The portable video recording devices/body worn camera be affixed to their uniform in a manner that will properly secure the camera.
2. The camera will be worn in a manner and location on the uniform that is conducive to effective filming and evidence gathering, taking into consideration differences in body sizes and gender.
3. When not on duty the portable video recording devices/body worn camera will be stored in a manner to protect it from exposure to direct sunlight, moisture, or excessive heat and yet readily available to the officer if needed.

4. If a portable video recording devices/body worn camera is temporarily issued, it shall be returned to the authority who issued the camera or their designee on the date directed by the issuing authority.

Officers issued a (PVRD/BWC) will use the device as required below.

1. During any interview with a victim, witness or suspect.
2. During any field or eyewitness identification.
3. During traffic stops, pedestrian stops, and calls for service.
4. During any enforcement contact. A note will be made in the narrative of the report that a video was obtained at the scene with the portable video recording devices/body worn camera and is on file.
5. During building searches and alarm responses.

If activated for any of the above reasons, the recordings should continue until the incident has completed or the officer has left the scene.

6. When possible, officers will inform citizens they are being recorded. In locations where a citizen has the right to privacy, such as a residence, the emergency room at a hospital, etc. citizens may decline to be recorded and the officers will cease recording unless involved in a search, arrest or use of force.
- **Anytime an officer is unable to record or ceases recording of an incident, the recordings shall be included in the department report.**
7. All pursuits or chases involving persons attempting to elude an officer will be recorded. **As soon as possible after the pursuit is ended, the immediate supervisor will be notified and the video will be downloaded as soon as possible. The video will be reviewed by the Chief or designee, as soon as possible.**
8. Whenever possible, officers will activate their portable video recording devices/body worn camera and began filming when arriving at the scene of an accident, while interviewing witnesses, or interviewing persons involved in the accident. *A note will be made in the accident report narrative that supplemental video of the scene is on file. This procedure should not be interpreted to mean that the portable video recording devices/body worn camera replaces the taking of still photographs of accident scene with other Departmental issued camera equipment.
9. Domestic/Civil Disputes in which adversarial parties are present at the scene will be recorded. *A note will be made in the narrative of the report that a

video was obtained at the scene with the portable video recording devices/body worn camera and is on file.

10. When an officer responds to any call for service requiring the utilization of emergency lights and siren (code 3 responses), activation of the portable video recording devices/body worn camera is required.
11. Distraught, Disorderly, Argumentative, Mental, Angry Persons or Arrestees as soon as tactical situations allow it to be safely accomplished every effort should be made to obtain accurate video and audio evidence.
12. All other contacts and activities are considered optional and may be recorded at the discretion of personnel. All personnel are expected to use good judgment. When in doubt regarding any situation the officer should opt to record.

Recordings As Evidence:

1. Presence of video evidence enhances the ability to obtain convictions and increase the number of guilty pleas.
2. Video evidence may capture a suspect's behavior/tone of voice that cannot be documented by words alone. This is important when considering probable cause since it relies specifically on a suspect's actions, demeanor, and words. Allows juries to see what the officer saw.
3. Video evidence provides the opportunity for consistent and accurate report writing as it can be used to assist in recall before writing a report and going to trial.
4. Video provides the most accurate depiction and documentation of evidence possible. Officers can also verbally describe what they see, smell, and hear while responding to a scene to better document evidence and provide follow-up to investigators with an understanding of events as they are being investigated.
5. Video evidence captures verbal consent. A video recording properly asking for and receiving verbal consent is useful evidence at trial.

Prohibitions

1. Personnel shall not intentionally create recordings of other employees in areas where a reasonable expectation of privacy exists. Private Place is a place where one may reasonably expect to be safe from uninvited intrusion or surveillance, but does not include a place to which the public has lawful access.

2. Personnel shall not intentionally create recordings of citizens where there is an expectation of privacy, unless the recording is made while the officer is legally in the area due to 1-13 above.
3. Officers may only use the portable video recording devices/body worn camera in patient care areas of hospitals or emergency rooms when the recording is for official business. Officers will attempt to prevent the recording of non-involved individuals to the extent possible.
4. Personnel shall not knowingly record undercover officers or informants. This is to protect confidentiality and officer safety.
5. Personnel shall not edit, alter, erase, duplicate, copy, share or otherwise distribute in any manner portable video recording devices/body worn camera recordings other than authorized by this policy without prior written authorization and approval by the Chief of Police or designee.
6. Personnel shall not use a departmental portable video recording devices/body worn camera to record personal activities. Under no circumstances will the portable video recording devices/body worn camera recordings be utilized for anything other than official departmental business, unless permission is obtained from the Chief of Police or designee.
7. Personnel will not record other agency personnel during routine, non-enforcement-related activities unless recording is required by court order or is authorized as part of an administrative or criminal investigation.
8. Personnel shall not allow any non-department personnel to view the portable video recording devices/body worn camera recordings without permission of the officer's supervisor.
9. Uploading of any portable video recording devices/body worn camera recordings to any social media sites is prohibited unless authorized by the Chief of Police.

Recordings documenting incidents involving the use of deadly force by a peace officer or that is otherwise related to an administrative or criminal investigation of an officer may not be deleted, destroyed, or released to the public until all related administrative investigations have concluded.

It is a Class A Misdemeanor for any police officer or employee of a law enforcement agency to release a recording created with a body worn camera without permission of the applicable law enforcement agency. Occupations Code 1701.659

1. Law enforcement agencies may release to the public a recording as stated in 9 above if the law enforcement agency determines that the release furthers a law enforcement purpose.
2. A law enforcement agency may NOT release any portion of a recording made in a private space, or of a recording involving the investigation of conduct that constitutes a misdemeanor punishable by fine only and does not result in an arrest, without written authorization from the person who is the subject of that portion of the recording or, if the person is deceased, from the person's authorized representative.
3. A recording is confidential if the recording was not required to be made public by law or policy and does not relate to a law enforcement purpose.
4. **Conversations with agency personnel or other agency personnel that involve case tactics or strategy can be subject to release.**
5. Strip Searches will not be released.

Public Obtaining Body Worn Camera Information/Recordings:

Release for recordings shall be done in accordance with Occupations Code 1701, Subchapter N and Government Code Chapter 552.

1. Request must be in writing.
 - a. Must include date and approximate time of the recording.
 - b. Specific location where the recording occurred.
 - c. Name of one or more of the persons known to be subject of the recording.
 - d. Failure to provide the above information does not preclude the requestor from making a future request for the same recorded information.
 - e. Voluminous Request, is a request for more than five separate incidents; more than five separate request must be made or a request for multiple request from the same person in a 24-hour period for body worn camera recordings that, taken together, constitute more than five total hours of video footage.
 - f. Redacting of video may be necessary as state law prohibits portions of the recording from release (e.g., images of juveniles' faces.)

- g. The Lampasas Police Department will not release any portion of recording made in a private space.
- h. The Lampasas Police Department will not release any recording misdemeanor offense punishable by fine only and not an arrest without prior written permission by the person that is subject of the recording.

If is the policy of the Lampasas Police Department to have clear and consistent policy for releasing recorded data externally to the public and the news media. All agencies must comply with the state's public disclosure laws. We have a broad disclosure policy to promote agency transparency and accountability; however we must always take into account privacy considerations when determining to release recorded information. All members of the Lampasas Police Department will adhere to these policies to prevent unauthorized video access or release.

It is a Class A Misdemeanor for any police officer or employee of a law enforcement agency to release a recording created with a body worn camera without permission of the applicable law enforcement agency. Occupations Code 1701.659

If an exception of releasing a video is considered:

Section 552.301 (b) Government Code:

1. Turn it over to your City Attorney within 10 days;
2. Attorney General opinion must be requested within 20 business days of the receipt of the written request.
3. Response to the requestor is considered timely if made no later than the 25th business day of written request.

The portable video recording devices/body worn camera, its ancillary equipment, and all files are the property of the Lampasas Police Department and are to be used for official purposes only.

The portable video recording devices/body worn camera are provided as a tool to enhance operations and to protect officers, the department, and citizenry to be used for better transparency.

Files are subject to review by Supervisory Personnel at all times and personnel are reminded that the portable video recording devices/body worn camera is a neutral device that documents all video recorded situations when the equipment is activated. **Professionalism, courtesy, and service to the public are expected in each and every encounter.**

State law requires that a Peace Officer who does not active a body worn camera in response to a call for assistance must include in the officers incident report or otherwise note in the case file or record the reason for not activating the system. Occupations Code 1701.657 (d)

Deactivation

1. You should not deactivate until encounter has concluded except for tactical or safety reasons, or if the encounter no longer holds investigative or evidentiary value.
2. If deactivated prior to conclusion of encounter, document the reason prior to deactivation on camera as well as in the report.
3. If no report made, document on citation or in officer daily report.
4. Reactivation may be necessary depending on circumstances.
5. Use reasonable judgement when deactivating.

Technical Difficulties/Malfunctions

1. You should document any and all technical difficulties on camera as well as in report.
2. All Technical Difficulties will be reported to a Supervisor immediately.
3. At **NO TIME** will you attempt to fix, tamper or make adjustments of any part of the camera or any part of the recording system. See City of Lampasas Policy 12.00 Use of and Accountability for City Equipment and Property. Revised 01/05/2015 to include 3.

Officer Responsibilities:

Prior to the beginning a tour of duty, personnel shall verify that their portable video recording devices/body worn camera is functioning properly. This includes making sure the camera is charged. The camera has a proper cable connection between the camera and battery pack.

The department recognizes that our officers are participants in fast evolving, dynamic situations. These situations might prevent or cause an officer to forget to activate their portable video recording devices/body worn camera systems. Officers should activate their cameras as soon as practical once these dynamic situations come under control.

Officers shall routinely record all pedestrian and traffic stops as defined by this policy and in accordance with the exemption under Texas CCP (Article 2.135), Racial Profiling Act.

1. Officers issued portable video recording devices/body worn camera shall be trained and demonstrate proficiency with the recording and transfer data to their training officer and/or supervisor.

- a. Officers shall inspect the device at the beginning of each shift to ensure proper operation, including sufficient battery life and recording medium.
- b. Any device found deficient at any time will be reported to the officer's supervisor who will issue a replacement if available.
- c. Any portable video recording devices/body worn camera data created will be downloaded or copied to the appropriate department storage location before the end of shift.
- d. While much of the recorded data will not be needed-as in a building search where nothing is found or a citizen contact that did not result in any action; any data that an employee believes is evidence, is recorded during a use of force or pursuit; or is likely to be needed for any other purpose such as a potential employee complaint, should be noted in official report.

Officers may use personal cameras during extra duty/off duty employment only when: There is no departmental provided camera available. The officer consents that all video collected on the camera is the property of the department.

The officer has the responsibility to ensure the video captured meets the standards required by the District/County Attorney's office for use as evidence.

The officer understands the video on camera is subject to supervisory review on demand without explanation.

A supervisor may prohibit the use of the camera by the officer if the officer fails to adhere to this policy.

Retention of Recordings:

The Lampasas Police Department will follow a retention plan that is effective for the department and not in violation of any State or Federal laws. The department adheres to the following. See www.tsi.texas.gov/slm/recordspubs/ps.html

The **Government Code, Section 441.158**, provides that the Texas State Library and Archives Commission shall issue records retention schedules for each type of local government, including a schedule for records common to all types of local government. The law provides further that each schedule must state the retention period prescribed by federal or state law, rule of court, or regulation for a record for which a period is prescribed; and prescribe retention periods for all other records, which periods have the same effect as if prescribed by law after the records retention schedule is adopted as a rule of the Commission.

The retention period for a record applies to the record regardless of the medium in which it is maintained. Some records listed in this schedule are maintained electronically in many offices, but electronically stored data used to create in any manner a record or the functional equivalent of a record as described in this schedule must be retained, along with the hardware and software necessary to access the data, for the retention period assigned to the record, unless backup copies of the data generated from electronic storage are retained in paper or on microfilm for the retention period. This includes electronic mail (email), websites and electronic publications.

Unless otherwise stated, the retention period for a record is in calendar years from the date of its creation. The retention period applies only to an official record as distinct from convenience or working copies created for informational purposes. Where several copies are maintained, each local government should decide which shall be the official record and in which of its divisions or departments it will be maintained. Local governments in their records management programs should establish policies and procedures to provide for the systematic disposal of copies.

A local government record whose retention period has expired may not be destroyed if any litigation, claim, negotiation, audit, public information request, administrative review, or other action involving the record is initiated; its destruction shall not occur until the completion of the action and the resolution of all issues that arise from it.

A local government record whose retention period expires during any litigation, claim, negotiation, audit, public information request, administrative review, or other action involving the record may not be destroyed until the completion of the action and the resolution of all issues that arise from it.

If a record described in this schedule is maintained in a bound volume of a type in which pages were not meant to be removed the retention period, unless otherwise stated, dates from the date of last entry.

If two or more records listed in this schedule are maintained together by a local government and are not severable, the combined record must be retained for the length of time of the component with the longest retention period. A record whose minimum retention period on this schedule has not yet expired and is **less than permanent** may be disposed of if it has been so badly damaged by fire, water, or insect or rodent infestation as to render it unreadable, or if portions of the information in the record have been so thoroughly destroyed that remaining portions are unintelligible. If the retention period for the record is **permanent** in this schedule, authority to dispose of the damaged record must be obtained from the Director and Librarian of the Texas State Library and Archives Commission. The Request for Authority to Destroy Unscheduled Records (Form SLR 501) should be used for this purpose.

Certain records listed in this schedule are assigned the retention period of AV (as long as administratively valuable). This retention period affords local governments the maximum amount of discretion in determining a specific retention period for the record described.

POLICY ON IMMIGRATION ENFORCEMENT ISSUES

POLICY STATEMENT

It is the policy of this department that our officers and civilian employees shall comply with all applicable state and federal laws regarding immigration enforcement issues and constitutional limitations on that authority.

I. DEFINITIONS

“ICE” means the Immigration & Customs Enforcement branch of the federal government.

“Officer” means a sworn peace officer under the laws of the state of Texas.

“Department employee” collectively means sworn officers and civilian employees of the department.

“Proof of residency” shall include a government issued photographic identification card or a document issued by the federal government indicating current legal immigrant status. It shall include, for these limited purposes, expired, revoked or suspended driver’s licenses.

“Detainer request” means a 48 hour hold issued by ICE based upon probable cause that a person has violated immigration restrictions and is civil in nature.

“Lawful detention” means a detention based upon reasonable suspicion that the detainee has committed, is committing or is about to commit a criminal offense other than an immigration violation. For purposes of this directive the term “lawful detention” shall not include a detention of a person who is a victim or witness of an offense.

“Lawful arrest” means an arrest based upon probable cause that the arrestee has committed a criminal offense other than an immigration violation.

II. COMPLIANCE WITH POLICY MANDATORY

All employees shall comply with this directive. It shall be the duty of all supervisors to monitor employee activities to insure compliance. A violation of this directive may result in discipline up to and including termination.

LAMPASAS POLICE DEPARTMENT
VIDEO REVIEW LOG

Officer Reviewed [REDACTED] #116 Body Camera Car Camera Unit viewed W.S.
Date/Time of Video 05-29-21 6:34 P.M. Length of Video 07:32
Supervisor Reviewing S. S. #108 Date/ Time Review Done 06-04-21 Supervisor Reviewing S
Comments 6:46 long, traffic stop. Length 7:32

Officer Reviewed [REDACTED] #116 Body Camera Car Camera Unit viewed W.S.
Date/Time of Video 05-29-21 9:00 P.M. Length of Video 07:37
Supervisor Reviewing S. S. #108 Date/ Time Review Done 06-04-21 Supervisor Reviewing S
Comments 7:23 long, traffic stop. Length 5:37

Officer Reviewed [REDACTED] #113 Body Camera Car Camera Unit # Reviewed D.
Date/Time of Video 07-22-21 12:33 A.M. Length of Video 06:46
Supervisor Reviewing S. S. #108 Date/ Time Review Done 07-28-21/3 Supervisor Reviewing S
Comments 5:40 long, call for service. Length 6:46

Officer Reviewed [REDACTED] #113 Body Camera Car Camera Unit # Reviewed D.
Date/Time of Video 07-23-21 2:54 A.M. Length of Video 6:44
Supervisor Reviewing S. S. #108 Date/ Time Review Done 07-28-21/3 Supervisor Reviewing S
Comments 3:58 long, call for service. Length 6:44

- Included in this report is a copy of the Body Worn Camera Policy and a copy of a page from Sergeant Steve Sheldon's video review log.

The Tier 2/Full report and the Racial Profiling Analysis Table 1.0 meet the requirements in the Code of Criminal Procedure Article 2.134 (c) (1) a comparative analysis of information compiled under Article 21.33 to: (A) evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, (City of Lampasas), 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, categorize according to the race or ethnicity of the affected persons, as appropriate, including 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 (City of Lampasas), 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. The department meets the above requirements to include that no reports or complaints of racial profiling were made or received in 2021.

In regards to the analysis and interpretation of information there is much more information that should be gathered and considered for a true accurate representation. The report submitted to TCOLE and the governing body provides statistical transparency but may not include any information about the peace officer who makes the motor vehicle stop or about the individual who is stopped or arrested by a peace officer. You can not see the race or ethnicity of the peace officer, nor can you see the background of the peace officer. For example, a white peace officer who was a foster child whose parents that raised him are African American/Black and is married to a Hispanic female or vice versa. There is no consideration for our bi-racial peace officers or persons we stop. There is no information collected about the person stopped and their biases toward law enforcement. In my career as a female law enforcement officers I've been discriminated against more for the uniform I wore than the color of my skin or my gender. The law requirements are only the required overall statistics that are allowed by law to report. By reviewing these statistics a person or group could be lead by someone with a special interest to believe racial profiling occurs based on the numbers and percentages. There is a saying by Brendan Rodgers, "Statistics and numbers are no good unless you have good people to analyze and interpret their meaning and importance".

I believe to truly find racial profiling there needs to be more than just statistics to look at. You'd want to know the biases of the officer, the department and know the leadership and

culture of a department to prove that racial profiling is not allowed and does not occur. It would be nice if we could determine the biases of the person being stopped by that is for another day and time.

To determine if the Lampasas Police Department is racially profiling, you'd need to know more about the drivers of the community; such as, none of these numbers tell you that we have a large population of minority drivers that come to the city to work. Nor do the numbers tell you that the city of Lampasas is the county seat for Lampasas County with an April 2020 Census Population of 21,627. The census is an entirely different topic that would lead you to ask does it consider statistics of those that have a less traditional or lack of ordinary housing? Such as, people that frequently move, those that might have more than one place to live in different communities where they are counted at one community and not the other, or the driving homeless.

Another issue to consider is our large volume of traffic in the city of Lampasas with many different races and ethnicities of drivers. The City of Lampasas is a cross roads for many travelers with U.S. 183, U.S. 190, U.S. 281 intersecting in Lampasas. Lampasas is less than 25 minutes from Fort Hood, the only military post in the United States capable of stationing and training two armored divisions with a very diverse population of peoples on base and many that live in Lampasas County or locations adjacent to Fort Hood that interact in Lampasas. The City of Lampasas is also within 30 minutes of the Austin, Round Rock, Georgetown, Leander, Liberty Hill Metropolitan area. Not only were our roadways just busy, but recently we have noticed that tens of thousands of drivers choose U.S. 183 or U.S. 281 to travel rather than using I-35 due to the construction and congested traffic on I-35.

The Tier 2 report shows 3540 traffic stops. Of the 3540 traffic stops contacts were made with 2472 Caucasian/white, 246 African American, 759 Hispanic, 56 Asian, and 7 Native American. No contacts were made with Middle Eastern. You may be interested in knowing that 3,455 of the stops the race was not known. 85 times of the 3540 stops we knew the race. That is less than 2.40% of the time the Officers knew the race/ethnicity of the person stopped, which includes all races and ethnicities. With the Tier 2 report is an analysis of the information gathered.

Table 1.0 shows that the Lampasas Police Department made 3540 contacts with a breakdown of race/ethnicity and the percentages of the contacts. It further shows the Searches that were conducted and whether they were consent or probable cause searches and the same type of breakdown of custody arrest.

Race/Ethnicity	Contacts		Searches		Consent Searches		PC Searches		Custody Arrest	
	N	%	N	%	N	%	N	%	N	%
Caucasian	2472	69.8%	127	58.3%	25	62.5%	102	57.3%	94	56.3%
African American	246	6.9%	30	13.8%	3	7.5%	27	15.2%	23	13.6%
Hispanic	759	21.4%	61	28.0%	12	30.0%	49	27.5%	50	29.9%
Asian	56	1.6%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Native American	7	.2%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Middle Eastern	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Total	3540		218		40		178		167	

Table 1.0 Searches indicates that the Lampasas Police Department searched 218 times with 40 being consent searches and 178 searches due to probable cause. Of the 40 consent searches 25 Caucasian/White, 3 African American, 12 Hispanic. Caucasian/White were searched more than Hispanics and African American. Of the 178 probable cause searches 102 were white, 27 African American, and 49 Hispanic. Asian, Native American and Middle Eastern were not searched. White were searched more than Hispanic and African American. The 218 searches is 6.15% of the 3540 stops made.

Table 1.0 Custody Arrest show that 167 persons were arrested. They were 94 Caucasian/White , 23 African American/Black, 50 Hispanic. White were arrested at a higher rate than African American and Hispanic.

Looking at the Tier 2/Full Report regarding these searches it shows that 126 were arrested for violation of Penal Code; 65 White, 19 Black and 42 Hispanic; 6 were arrested for violation of traffic law; 4 White, 1 Black and 1 Hispanic; 35 were arrested for outstanding warrants; 25 White, 3 Black, and 7 Hispanic. The break down is 56.3% white, 29.9% Hispanic and 13.8% Black. Caucasian/White are arrested at a higher rate than Hispanic, Black, Asian, Native American, Middle Eastern.

Table 2.0 City of Lampasas Census Population Compared with Contacts

Population 7,291 Cityof, Lampasas 2021	Census Percentage	2021 Contacts	Difference	More or Less
Caucasian/White Alone	85.7%	69.8%	15.9%	Less
Black or African	5.0%	6.9%	1.9%	More
Hispanic	23.7%	21.4%	2.3%	Less
Asian	2.0%	1.6%	0.4%	Less
Native American	0.3%	.2%	0.1%	Less
Middle Eastern	N/A	0	0	NA

Table 2.0 The Census Population for July 2021 shows the population of 7,291 for the City of Lampasas. The Census facts show there are 2,864 households in Lampasas. If you calculate that there are 2 vehicles per household that would be 5,728 vehicles for the households in the City of Lampasas. Long ago a TxDOT study revealed that on any given day there were at least 30,000 vehicles traveling on U.S. 183 through the city. That count was several years ago as growth was starting in Lampasas and our state roadways were being traveled more. A new traffic survey is being conducted by TxDOT and surely the number of vehicles are much higher as there are times when traffic on U.S. 183 and 281 is bumper to bumper.

The number of Census households in the City of Lampasas does not account for the vehicles, volume of traffic in the City of Lampasas, or for those that do not live in the City of Lampasas but work or come here to relax, play, shop, nor does it take into account the number of persons that live in a household that drive. In checking with the Finance Director Yvonne Moreno the last report she provided to the City Council of Lampasas shows that the city of Lampasas has 2,864 water customers and 5,043 electric customers. This would be a better reflection of what are residences/households and buisnesses and then we might be able to calcuate a closer volume of vehicles for the city of Lampasas than by the Census.

Keep in mind the, the Census does not show a clear picture of the driving public. It certainly does not show the driving public from our community nor does it show those that come to the city of Lampasas from other communities or even outside the city limits of Lampasas.

The reason I mention the census household and vehicle estimate per household is because in the past there has been controversy among academics, civil rights

organizations and even law enforcement professionals regarding a state standard baseline to determine if racial profiling is occurring in an agency. The Texas Fair Road Standard was recommended by the American Civil Liberties Union (ACLU), National Association for the Advancement of Colored Peoples (NAACP), Texas League of United Latin American (LULAC), and the Texas Criminal Justice Reform Coalition which believed the methodology that by calculating the number of households that have access to vehicles that we could estimate the prevalence of racial profiling as required in Texas state law. On Friday, January 31, 2003 I, Chief Bailey, then Assistant Chief of Police attended a Symposium on Racial Profiling Data Analysis and Policy Responses where several recommendations for standards were applied and taught. It was believed the Fair Roads Standard would take about 20 minutes, required some simple arithmetic and would be the best way to determine if racial profiling was occurring, however during the presentation there was some difficulty explaining the process. With this said, here we are in 2022 and still no state standard for analysis of information has been determined other than the required reporting numbers and percentages that are calculated from the numbers.

Copy of the Fair Roads Standard Included

There is no longer an American Fact Finder so I'll use the statistics the 2010 statistics of 2260 vehicles for use in the City of Lampasas.

2010 race/ethnicity of households having the 2260 vehicles:

- 32 African Americans
- 9 Asian
- 350 Hispanic
- 17 Unknown
- 1852 Caucasian

In 2021 we stopped 3540 vehicles:

- 2472 Caucasian/White
- 246 African American/Black
- 759 Hispanic
- Asian 56
- Native American 7
- Middle Eastern 0

Just looking at the data set of households with access to vehicles from the 2010 statistics or the 2021 census statistics of 2,864 households in Lampasas and calculating that there are 2 vehicles per household/ 5,728 vehicles not knowing the race/ethnicity but looking

at the race/ethnicity break down from 2010 you know that the math will show that all minorities were stopped more than white simply because there are less households and vehicles per households.

I'm sure the Fair Roads Standards applied to some cities with equal populations of race/ethnicity with equal amounts of vehicles and vehicles stopped per the community population may be a good benchmark. For a city our size with percentages of race/ethnicity groups that are not the same, the driving public, and rate of households and vehicle estimate it does not work for us.

Table 2.0 City of Lampasas Census Population Compared with Contacts

Population 7,291 Cityof, Lampasas 2021	Census Percentage	2021 Contacts	Difference	More or Less
Caucasian/White Alone	85.7%	69.8%	15.9%	Less
Black or African	5.0%	6.9%	1.9%	More
Hispanic	23.7%	21.4%	2.3%	Less
Asian	2.0%	1.6%	0.4%	Less
Native American	0.3%	.2%	0.1%	Less
Middle Eastern	N/A	0	0	NA

If you look at the number of stops verses the July 21 City of Lampasas Census Population you will see in Table 2.0 its shows that of the 3540 stops that were made with percentages. This is 7 were Alaska Native/American Indian, 56 Asian/Pacific Islander, 246 African American/Black, 2472 Caucasian/White and 759 Hispanic. White, Hispanic, Asian and Native American's are stopped less than Black or African. Black are stopped at a rate of 1.9% more than the census shows for the City of Lampasas population. I believe the percentages are reflective of the differences that we have in population.

Table 3.0 State of Texas Census Population Compared to Contacts.

Population Texas 2021	Census Percentage	2021 Contacts	Difference	More or Less
Caucasian/White Alone	78.7 %	69.8%	8.9%	Less
Black or African	12.9%	6.9%	6%	Less
Hispanic	39.7%	21.4%	18.3%	Less
Asian	5.2 %	1.6%	3.6%	Less
Native American	1.0%	.2%	0.1%	Less
Middle Eastern	N/A	0.0	0.0	NA

Table 3.0 the State of Texas 2021 Census Population and compare to the percentage of stops made by the City of Lampasas Police Department you find that White, Black/ African American, Hispanic, Asian, Native American were all stopped at a rate less than the Texas Population.

Searches

Table 2.1 City of Lampasas Census Population Compared with Searches

Population 7,291 Cityof, Lampasas 2021	Census Percentage	2021 All Searches	Difference	More or Less
Caucasian/White Alone	85.7%	58.3%	27.4%	Less
Black or African	5.0%	13.8%	8.8%	More
Hispanic	23.7%	28.0%	4.3%	More
Asian	2.0%	0.0	N/A	N/A
Native American	0.3%	0.0	N/A	N/A
Middle Eastern	N/A	0.0	N/A	NA

In Table 2.1 If you compare the July 2021 Census City of Lampasas population to the Lampasas Police Department 218 Searches it shows that White is searched 27.4% less, Black/African American are searched 8.8% more and Hispanic are searched 4.3% more than the population.

Table 3.1 State of Texas Census Population Compared with Contacts/Searches

Population Texas 2021	Census Percentage	2021 ALL Searches	Difference	More or Less
Caucasian/White Alone	78.7 %	58.3%	20%	Less
Black or African	12.9%	13.8%	0.9%	More
Hispanic	39.7%	28.0%	11.7%	Less
Asian	5.2 %	0.0%	0.0%	N/A
Native American	1.0%	0.0%	0.0%	N/A
Middle Eastern	N/A	0.9%	0.0%	NA

In Table 3.1 the 2021 State of Texas Population compared to the Lampasas Police Department searches it shows that White are searched 20% less than the state population, Black 0.9% more, and Hispanic 11.7% less.

The Tier 2 full report shows that of the 3540 stops there was 2641 warnings and 732 citations/tickets issued. If you look further at the Tier 2 report you will find the following:

Result of Stop	Caucasian	African American/Blck	Hispanic	Asian	Native American
Warning 2641	1950 73.83%	164 6.20%	480 18.17%	40 1.51%	7 0.265%
Population %	85.7%	5.0%	23.7%	2.0%	0.03%
%of Warnings	Less	More	Less	Less	Less
Citation/Ticket 732	428 58.46%	59 8.06%	229 32.65%	16 2.185	0 0%
Population %	85.7%	5.0%	23.7%	2.0%	0.03%
%Citations	Less	More	More	More	Less

CONCLUSION:

I have given you a lot to look at and consider. There are consultants that offer to perform an audit of the analysis of information and after review will inform you based on the numbers and percentages if the Lampasas Police Department applies racial profiling to its day to day practices. I can whole heartedly say that the members of the Lampasas Police Department do not racially profile. We work hard, we do our jobs to the best of our ability in a fair and just manner to all. We know that discrimination of any kind is degrading to one another, the department, and those we serve. We work to generate trust of all in our community, we are guardians of all, we took an oath to protect all, that includes protection from racial profiling. We work to promote the health safety and good welfare of all that live, work and play in our community so that all have a good quality of life.

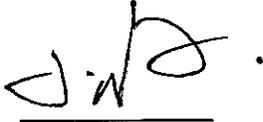
We consider ourselves as faces and members of our community. We, our families, our friends work here, attend school here, shop here, play here, live here and are stopped here. We treat all with dignity and respect, it is who we are. We are guardians of all until we are forced to be warriors and then we only do what has to be done to protect others and then ourselves as servant leaders do. Our culture is to treat all with dignity and respect to treat all the way we would want our family member to be treated if they were in the same situation.

We know statistics can be manipulated and can be misleading if you don't know the full facts or in the manner that it is presented to you, I hope that you are able to see the facts and know that the numbers were not manipulated in any way. Every member of the department knows that the actions of one individual; one peace officer, one employee of law enforcement can impact the life of another individual and even a community for generations. We want that impact to be a positive one regardless of the situation.

I hope that the information we have compiled as required by law and provided to you will show that the Lampasas Police Department prohibits racial profiling and complies with the State of Texas laws regarding racial profiling.

2021 Racial Profiling report respectfully submitted by Chief Sammy Bailey.

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City Manager

ITEM NO. 7.3

**BUSINESS FOR THE CITY COUNCIL
OF THE
CITY OF LAMPASAS**

Subject:

Discussion and possible action to issue Order of Election for Municipalities for the May 7, 2022 General Election.

Requested by: Becky Sims, City Secretary

Submitted by: Becky Sims, City Secretary

Date Submitted: January 11, 2022

For the agenda of: February 14, 2022

Procurement and Funding Statement:

N/A

Attachments: Ordinance

Summary Statement:

This item has been placed on the agenda to issue the Order of Election for Municipalities. Each Council member will sign off on the order for the General Election to be held on the May 7, 2022.

Recommendation:

To consider a motion to order the election to be held May 7, 2022.

ORDER OF ELECTION FOR MUNICIPALITIES
(ORDEN DE ELECCION PARA MUNICIPIOS)

An election is hereby ordered to be held on May 7, 2022 for the purpose of :
(Por la presente se ordena que se llevara a cabo una eleccion el 7 de Mayo de 2022 con el proposito de:)

A General Election, to elect: City Council members: Place Three
Place Four
Place Five

(en la Eleccion para elegir: Miembro del Concilio Lugar Tres
Miembro del Concilio Lugar Cuatro
Miembro del Concilio Lugar Cinco

Early voting by personal appearance will be conducted each weekday at Elections Administrator Office, 407 S. Pecan, Suite 102, Lampasas, TX, between the hours of 8:00 a.m. and 5:00 p.m. beginning on April 25, 2022 and ending on May 3, 2022.

(Votación adelantada en persona se llevará a cabo cada semana en Elecciones Administrador oficina, 407 S. Pecan, Suite 102, Lampasas, Texas, entre las horas de ocho de la mañana y y cinco de la tarde partir del 25 de Abril, 2022 y el 3 de Mayo de 2022.)

Additional early voting will be held at the same location as follows: April 26 and May 3, 2022 from 7:00 a.m. – 7:00 p.m.

(Adicional la votación anticipada se llevará a cabo en el mismo lugar como sigue: el 26 de Abril y 3 de Mayo de 2022 de 7:00 a.m. – 7:00 p.m.)

Applications for ballot by mail shall be mailed to:
(Solicitudes de voto por correo se le enviará a:)

Mark Bishop, Elections Administrator
407 S. Pecan, Suite 102
Lampasas, TX 76550

Application for ballots by mail must be received no later than the close of business on April 26, 2022.
(Solicitud de votos por correo deberá recibirse no más tarde del cierre de actividades el 26 de Abril, 2022.)

Issued this the _____ day of _____, 20____.
Emitada este dia _____ de _____, 20_____

TJ Monroe, Mayor (Firma del Alcalde)

Chuck Williamson, Mayor Pro Tem
(Firma del Concejal)

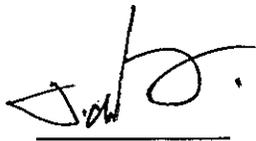
Randy Clark
(Firma del Concejal)

Zachary Morris
(Firma del Concejal)

Bob Goodart
(Firma del Concejal)

Cathy Kuehne
(Firma del Concejal)

Herb Pearce
(Firma del Concejal)


City ManagerITEM NO. 7.4

**BUSINESS FOR THE CITY COUNCIL
OF THE
CITY OF LAMPASAS**

Subject:

Discussion and possible action regarding a Veteran's Run and Walk on Saturday November 5, 2022 starting at 6:30 a.m. and ending at 10:00 a.m. with a run/walk starting at 8:00 a.m.

Requested By: Jackie Bunce, Lampasas Run Club

Submitted By: Sammy Bailey, Chief of Police

Date Submitted: February 9, 2022

For the Agenda of: February 14, 2022

Procurement and Funding Statement:

N/A

Attachments: Veteran's Day Run and Walk Map

Summary Statement:

Jackie Bunce is coordinating a Veteran's Day Run/Walk on Saturday, November 5, 2022. The run/walk will be a sanctioned USATF officially timed 5K.

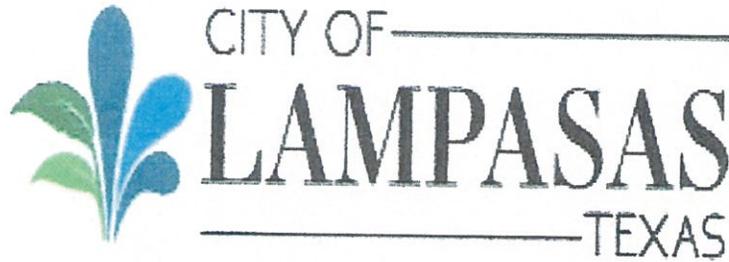
The route will start at the Lampasas Courthouse proceed west on 3rd Third Street. Turn right (north) on Chestnut. They will make a right turn off of Chestnut onto East Avenue A and another right turn onto South Main Street.

From Main Street they will run/walk to East 2nd Street and make a left turn running/walking north on Western continuing on Campbell to turn east on East Avenue G. East on East Avenue G to Northington southbound to Standifer westbound to Gamel southbound on Gamel to East Avenue B.

From East Avenue B- continue westbound to Brook Street. Brook Street to East Avenue F westbound to East Avenue F to Hackberry. On Hackberry they will travel south to East Third. East Third Street they will run/walk west back to the Courthouse Square area to end their event.

Recommendation:

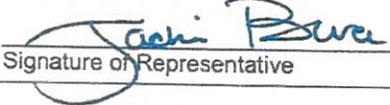
To consider a motion to approve a Lampasas Police Department patrol unit to lead the runners/walkers during the Veteran's Run and Walk and for brief road closures as needed for the runners and walkers to cross intersections to provide for their safety.



• Run @ 8:00am •

Special Events Application

Event Information			
Event Name Lampasas Veterans Day Run + Walk		Application Date 2/4/22	
Event Starting Date 11/5/22	Event Starting Time 6:30 a.m.	Event Ending Date 11/5/22	Event Ending Time 10:00 a.m.
Sponsor Information			
Sponsor is defined as the Organization, Business or Individual who has primary responsibility for the management of this event.			
Sponsor Name / Group Name Lampasas Run Club			
Address 2158 CR 2109		(this is my personal addr.)	Telephone 720.299.1291
City Lometa	State TX	Zip 76853	
Sponsors Primary Contact Jackie Bunce		Telephone " "	

EVENT TYPE / DESCRIPTION	
<input checked="" type="checkbox"/> Street Closure Event	<input type="checkbox"/> Party/Event Registration <input type="checkbox"/> Parade <input type="checkbox"/> Assembly/Outdoor Music at Ruth Eakin Theater
<input type="checkbox"/> Other (describe) _____	
Event Location / Route <u>Start at Courthouse (see attached). Request is not to close streets entirely but to help direct traffic at intersections and busier roads.</u>	
Purpose of the Event (Describe event) <u>Raise money for military-friendly non-profit organization and honor veterans for Veterans Day.</u>	
Number expected to attend <u>100</u>	Number of Event Staff <u>3 + volunteers</u>
SPONSOR'S REPRESENTATIVE(S)	
Name	Home Phone
Address	Work Phone
City / State / Zip	Cell Phone
Email Address	Other Phone
Name	Home Phone
Address	Work Phone
City / State / Zip	Cell Phone
Email Address	Other Phone
SERVICES/EQUIPMENT NEEDED	
My Event will have or need the following: (Check all that apply)	
Traffic Control / Other Equipment	
<input type="checkbox"/> Barricades <u>12</u>	<input checked="" type="checkbox"/> Traffic Cones <u>4-5</u> <input checked="" type="checkbox"/> Police Officers <u>or Citiz. patrol</u>
Tents / Temporary Structures	
Will Tents be used <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	# _____ Sizes <u>depends on sponsors - coffee, etc.</u>
Will other Temporary Structures be used <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Describe _____
Will electricity need to be provided <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	How? <u>by posts near courthouse</u>
Will water need to be provided <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	How? <u>we will provide water stops</u>
ALCOHOL	
Alcohol Permit Required <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <small>(Permit required if alcohol consumed or possessed in public park / sports recreational facility)</small>	Date Applied _____ # of Officers _____ @ \$ _____ / hour
Temporary Liquor License Applied for <input type="checkbox"/> YES <input type="checkbox"/> NO	Date Applied _____
MUSIC	
Starting Time <u>we will use our own PA</u>	Ending Time _____ # of Acts _____ Music Type _____
# Sound Amplification Equipment to be used <input type="checkbox"/> YES <input type="checkbox"/> NO	Maximum Amps Available _____
OTHER	
Has this event been held before <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	If Yes, when? <u>11/6/21</u>
I have reviewed the Special Events Requirements and Procedures and accept the responsibilities associated with this event. I have provided a diagram with this application. I request approval of this event.	
 Signature of Representative	
<u>2/4/22</u> Date	

Event Diagram (Use additional pages if needed)

See attached route

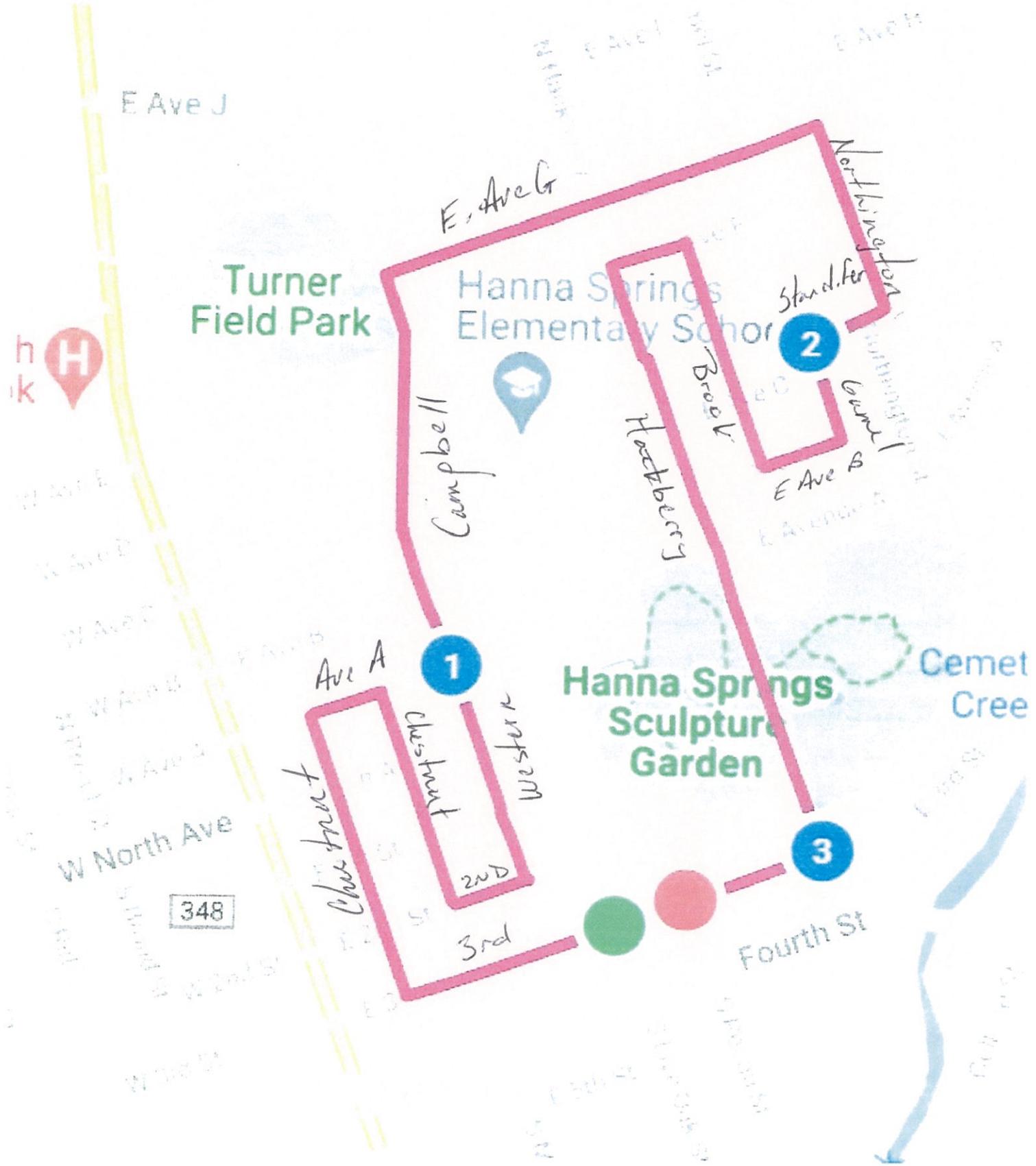
APPROVAL

Officers Scheduled YES NO # of Officers _____ Equipment Scheduled YES NO

Lieutenant Signature Chuck Montgomery #103 Date 2-9-2022

Chief of Police Signature Sammy Barley Date 2-8-2022

Comments:



LAMPASAS

Veterans Day Run & Walk



Submit Your Local Military-Friendly Non-Profit Nominations to Receive 100% of the Race Proceeds by 28 February 2022.

Also Accepting Sponsors: Name on All Marketing, Including the Back of the Race Shirt.

Contact LampasasRunClub@gmail.com


City Manager

ITEM NO. 7.5

**BUSINESS FOR THE CITY COUNCIL
OF THE
CITY OF LAMPASAS**

Subject:

Discussion and possible action regarding the 3rd Street Roadway Improvement Project, as it relates to Change Order No. 1 in an amount not to exceed \$80,000.00

Requested By: Ryan Ward, Assistant City Manager

Submitted By: Ryan Ward, Assistant City Manager

Date Submitted: February 9, 2022 For the Agenda of: February 14, 2022

Procurement and Funding Statement:

This a budgeted item with funds available in GL accounts 82-551-5545 Streets (Capital Outlay). \$900,000.00 Budgeted, \$368,207.50 Encumbered

Attachments: Change Order 1 Summary – Cost Estimate
Change Order 1 Ramps – Design Plans

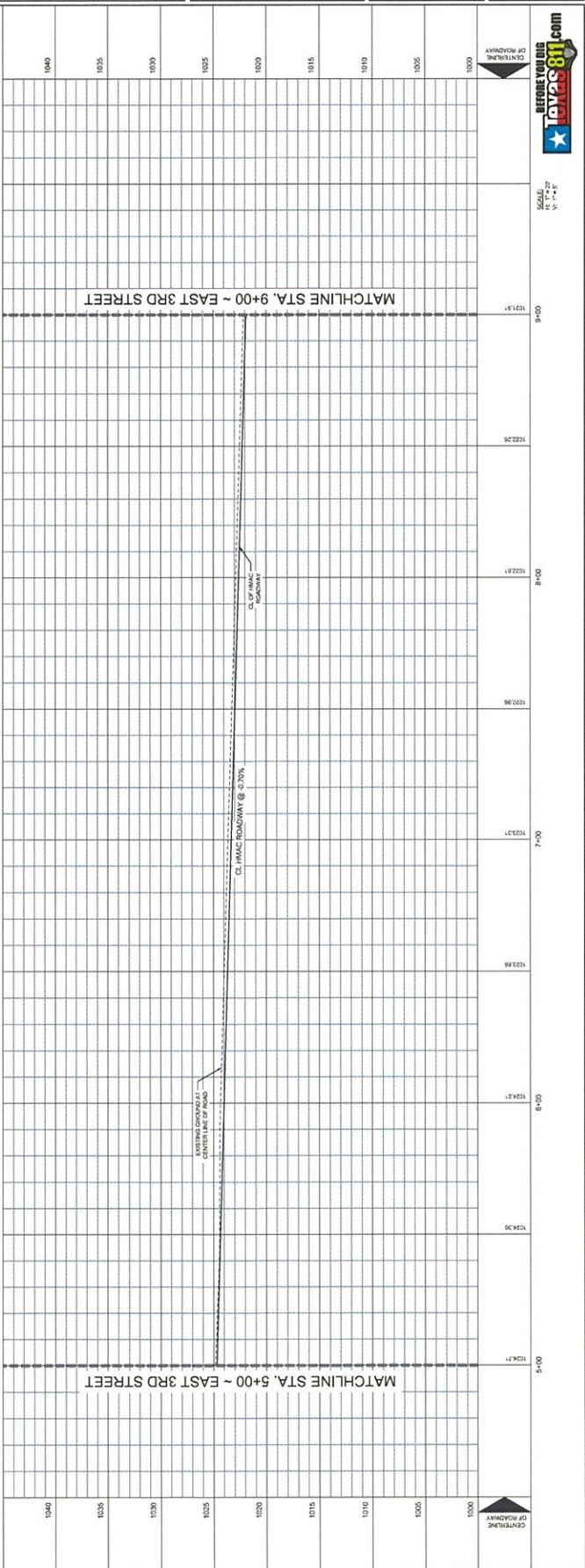
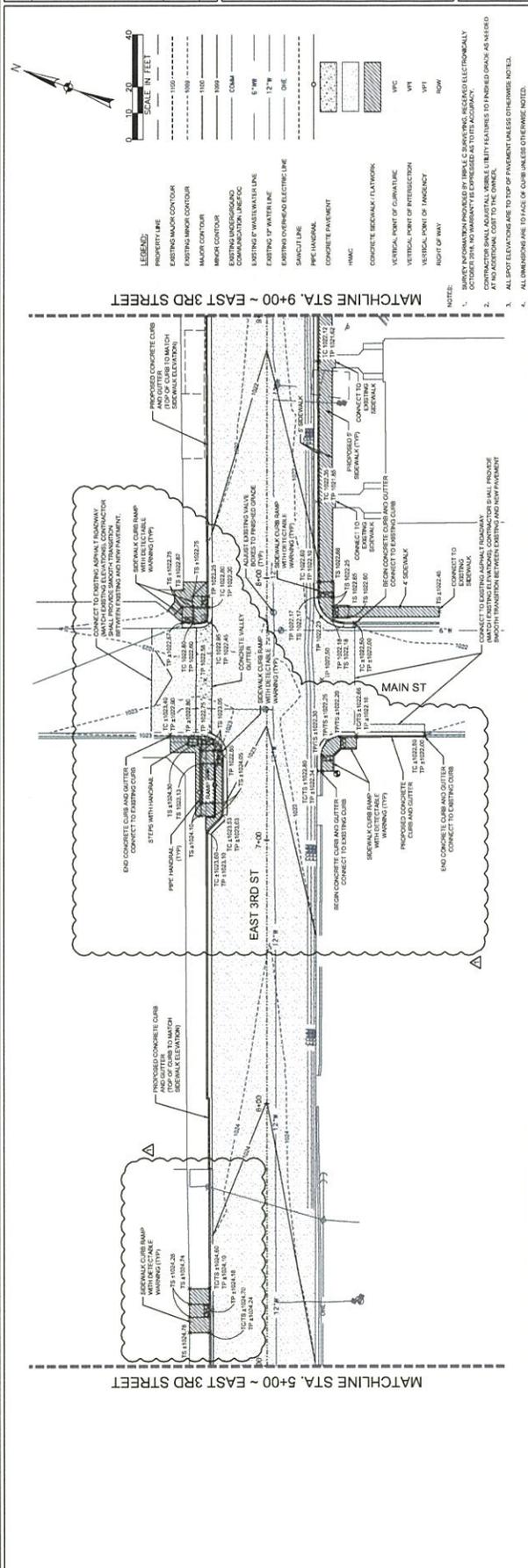
Summary Statement:

Construction is currently ongoing on the East 3rd Street Roadway Improvements Project. After further review and communication with the engineer of record, it was determined that additional ADA accessibility ramps are justified and should be constructed at the intersections of 3rd Street and S Chestnut Street and S Main Street, as well as other subsidiary and miscellaneous items. This will complete the ADA requirements for those specific blocks and improve the accessibility and connectivity for the overall project. To date the bid item amounts for the change order totals \$48,646.78. As staff continues to work with Engineer and Contractor to monitor status of rehabilitation, subsidiary items will be reviewed and modifications to street improvement project will continue.

Recommendation:

Staff recommends approval of Change Order No. 1, for an amount not to exceed \$80,000.00 that includes subsidiary and miscellaneous items.

REVISIONS No. Date Description 1 2/4/2022 Change Order 1 - Added curb ramps	 ECKERMANN ENGINEERING, INC. 1022 SPRING HAVEN LANE LAMARAS, TEXAS 76820 PHONE: 512-664-1830 TBS# FIRM NO. 4-10496	 CITY OF LAMARAS TEXAS IMPROVEMENTS EAST 3RD STREET ROADWAY	EAST 3RD STREET PLAN & PROFILE STA. 5+00 - 9+00	 Project No.: 180301_0002 Revised: 2/04/2022 Drawn By: DVB Checked By: DVB	C.05 SHEET 5 OF 13
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Change Order 1 Summary
East 3rd Street Roadway Improvements
City of Lampasas
February 9, 2022

Bid Item No.	Description	Unit	Total Change in Quantities for Change Order 1	Unit Price Per Bid Form	Change Order 1 Amount
1	REMOVE EXISTNG BASE AND ASPHALT	SY	42	\$9.65	\$405.30
2	REMOVE EXISTING CONCRETE PAVEMENT	SY	28	\$135.00	\$3,780.00
3	REMOVE EXISTING CONCRETE CURB AND GUTTER	LF	250	\$13.50	\$3,375.00
4	REMOVE EXISTING CONCRETE SIDEWALK	SY	121	\$30.50	\$3,690.50
5	REMOVE EXISTING CMP CULVERTS, GRATE INLET, AND END TREATMENTS	LS	0	\$8,500.00	\$0.00
6	REWORK EXISTING SUBGRADE (6" MINIMUM DEPTH)	SY	74	\$1.50	\$110.83
7	FLEX BASE (10")	SY	74	\$14.85	\$1,097.25
8	HMAC PAVEMENT (TYPE D, 2-1/2" THICKNESS)	SY	0	\$20.60	\$0.00
9	CONCRETE CURB AND GUTTER	LF	229	\$18.00	\$4,122.00
10	CONCRETE SIDEWALKS/FLAT WORK (4")	SY	75	\$63.00	\$4,725.00
11	CONCRETE DRIVEWAYS (7")	SY	32	\$122.70	\$3,926.40
12	CONCRETE VALLEY GUTTER (6")	SY	23	\$64.00	\$1,472.00
13	CURB RAMPS	EA	14	\$1,270.00	\$17,780.00
14	PEDESTRIAN HANDRAIL	LF	75	\$55.50	\$4,162.50
15	ADJUST EXISTING WATER METER BOX TO FINISHED GRADE	EA	0	\$875.00	\$0.00
16	ADJUST EXISTING WATER VALVE TO FINISHED GRADE	EA	0	\$110.00	\$0.00
17	RELOCATE EXISTING TRAFFIC SIGN	EA	0	\$425.00	\$0.00
18	SIGNS, BARRICADES, AND TRAFFIC CONTROL DEVICES	LS	0	\$15,000.00	\$0.00
19	TEMPORARY EROSION CONTROLS	LS	0	\$3,900.00	\$0.00
20	MOBILIZATION	LS	0	\$14,265.00	\$0.00
				Total CO #1	\$48,646.78

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City ManagerITEM NO. 7.6

**BUSINESS FOR THE CITY COUNCIL
OF THE
CITY OF LAMPASAS**

Subject:

Discussion and possible action concerning a request from the Kiwanis Club for approval of a license application to operate a Carnival, Circus and similar event within the city limits of the City of Lampasas and to grant a waiver for operations near schools, churches, and private residence.

Requested By: Tasha Benton, Lampasas Kiwanis Club

Submitted By: Becky Sims, City Secretary

Date Submitted: February 9, 2022

For the Agenda of: February 14, 2022

Procurement and Funding Statement:

Attachments: Application, Insurance, LISD Facility Agreement

Summary Statement:

The Kiwanis Club is requesting approval of a License to sponsor an event by Key Equipment Co. Inc. d/b/a Culpepper & Merriweather Circus on Tuesday, March 29, 2022. The circus will take place at the Old Middle School Field on the corner of Western and North Avenue. The City of Lampasas Code of Ordinances prohibits this type of event within 500 feet of a school, church or private residence, the applicant is seeking a waiver to this requirement; which has been done for many years. The required fee has been paid by the Kiwanis Club.

Recommendation:

To consider a motion for approval of a License application submitted by the Kiwanis Club/Key Equipment Co. to operate a Circus within the city limits of the City of Lampasas and to grant a waiver for operations near schools, churches, and private residences.

APPLICATION FOR CARNIVAL OR SHOW
WITHIN THE CITY LIMITS OF THE CITY OF LAMPASAS

OWNER INFORMATION

Name of carnival/show owner: KEY EQUIPMENT CO.

Address of owner (permanent): 2588 E 2070 ROAD
HUGO OK 74743

Local Telephone Number: () _____ Permanent Phone No. () ⁵⁸⁰ 326 8833

State of Texas sales tax permit number: 1-731603787-2

Name of Corporation (full name of business entity, if different from the individual making the application): _____

KEY EQUIPMENT CO., INC

State of Incorporation: (e.g. Texas) OKLAHOMA

Please provide a copy of the Corporation's charter, if corporation incorporated under the laws of the State of Texas or a certified copy of corporation's permit to do business in the state of Texas, if a foreign cooperation.

Registered Agent: _____ Telephone No. () _____

Corporate Status: General Business Limited Liability Corporation
 Close Corporation _____ (other)

Partnership/Association (If this is a partnership, all general partners and managing partner must be listed. If this is an Association, the name and address of each member of the association must be listed.) Please check one. Partnership Association

Managing Partner: _____

Address of Managing Partner/Chairperson of Association: _____

Telephone Number: () _____

Partner/Member: _____

Address of Partner/Member: _____

Telephone Number: () _____

Partner/Member: _____

Address of Partner/Member: _____

Telephone Number: () _____

Please list any additional partners or association members along with their addresses and telephone numbers on a separate sheet and attach.

CONTACT INFORMATION

List all persons who will be actively present and in authority during the exhibition.

<u>NAME</u>	<u>TITLE</u>	<u>PHONE NUMBER</u>	<input type="checkbox"/> Local	<input type="checkbox"/> Mobile
TREY KEY	GEN. MGR	803 917 2102	<input checked="" type="checkbox"/>	<input type="checkbox"/>
_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>

GENERAL INFORMATION

Date(s) proposed for engagement: From: MARCH 29 To: MARCH 29

Location(s) of proposed engagement: E. NORTH AVENUE AND
S. WESTERN AVENUE LAMPASAS, TX

Contact/Owner of location for proposed engagement: LAMPASAS ISO

Address: 207 WEST 8TH STREET LAMPASAS, TX
76550

Telephone Number: () 512 556 6224

Please attach copy of any agreement(s) between the owner of the property and the applicant for the engagement for the use of such property.

ATTRACTIONS

List all shows, rides, booths, businesses and attractions to be operated by such ^{CIRCUS} carnival, together with a description of the nature of each.

ATTRACTION: CIRCUS PERFORMANCES

DESCRIPTION: CIRCUS ACTS PRESENTED IN A TENT

ATTRACTION: PONY RIDE

DESCRIPTION: LIVE PONIES

ATTRACTION: SLIDE

DESCRIPTION: INFLATABLE SLIDE

ATTRACTION: BOUNCE CASTLE

DESCRIPTION: INFLATABLE BOUNCE HOUSE

ATTRACTION: _____

DESCRIPTION: _____

Please attach a list of additional shows, rides, booths, businesses and attractions.

FINANCIAL AND INSURANCE INFORMATION

Please attach copy of liability insurance policy, or if unavailable, Affidavit of Self Insurance, financial statements and other evidence of solvency.

REFERENCES

At least three (3) references from prior engagements are required, one of which must be from the city where the applicant exhibited immediately prior to this application.)

1. Name: WILL SMITH HUGO ROTARY CLUB
Address: 405 N. 16TH ST. HUGO OK 74743
Phone: 580 317 5115
Date of engagements: 5/21/21

2. Name: ASHLEY UNDERWOOD LAMPASAS KIWANIS CLUB
Address: 1806 FM 1494 LAMPASAS TX 76550
Phone: 512 556 3682
Date of engagements: 10/9/2019

3. Name: PATRICIA WARDEN, FIRST UNITED CHURCH
Address: 300 W. AVE. E NOLANVILLE, TX 76559
Phone: 843 453 2464
Date of engagements: _____

*

Applicant certifies that all the information contained herein is correct to the best of their knowledge. Applicant further agrees that if the permit is granted, applicant will conduct such carnival/show in an orderly, law-abiding and decent manner, and in full compliance with all applicable local, state and federal laws, regulations and policies.

Applicant Jim Royal Date 2/8/22

STATE OF TEXAS §
COUNTY OF LAMPASAS §

This instrument was acknowledged before me on the ____ day of _____, 20 ____ by _____, an individual known to me.

Notary Public, State of Texas

[Seal]

* OUR 2022 TOUR BEGINS 3/18/22.
THE LAST TIME WE WERE IN LAMPASAS,
THE CIRCUS WAS AT NOLANVILLE THE DAY BEFORE

LAMPASAS INDEPENDENT SCHOOL DISTRICT
Facility Request Agreement

Today's Date 02/07/22

LAMPASAS KIWANIS
Name of Organization

Address

Telephone

Randy Hoyer
Name of Contact Person

Address
979-732-0524
Telephone

Facility Requested FIELD (CORNER WESTERN)
^{NORTH}

Campus OLD MIDDLE SCHOOL

- Classroom _____
- Kitchen _____
- Lunchroom personnel required? Yes No

- Auditorium _____
- Other _____
- Custodian required? Yes No

Reservation Date Requested 3/28 - 3/30 Time: From 12 a.m./p.m. To 12 a.m./p.m.

Purpose/Use of Facility KIWANIS CIRCUS

Persons using facilities must comply with all state laws and school board regulations governing the use of facilities.

Signature of Organization Representative
[Signature]
Campus Principal/Athletic Director/Food Service

Date
2/7/22
Date

Verification of Use (Return to Business Office)

[Signature]
Campus Principal/Athletic Director/Food Service

2/7/22
Date

Bill will be sent by LISD Business Office. Processing may take two to three weeks depending on the timing of the event in relation to biweekly payroll.

To be completed by LISD Business Office

Facility Fee*	\$ _____
Custodian Fee	\$ _____
Food Service Fee	\$ _____
Total	\$ _____

**If exempt from fee, please indicate.*

Make all checks payable to: **Lampasas Independent School District, 207 West 8th St.,
Lampasas, Texas 76550**



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

02/09/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER AssuredPartners of Minnesota LLC 2361 Hwy 36 W St. Paul MN 55113		CONTACT NAME: Taylor Capasso PHONE (A/C, No, Ext): (651) 644-7200 E-MAIL ADDRESS: taylor.capasso@assuredpartners.com		FAX (A/C, No): (651) 644-9137	
INSURED Key Equipment Company, Inc., DBA: Culpepper/Merrlweather Circus PO Box 813 Hugo OK 74743		INSURER(S) AFFORDING COVERAGE		NAIC #	
		INSURER A: Burlington Insurance Company		23620	
		INSURER B: National Liability & Fire Insurance Co		20052	
		INSURER C:			
		INSURER D:			
		INSURER E:			
		INSURER F:			

COVERAGES **CERTIFICATE NUMBER:** 21/22 Master **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:		Y	820BG02655	04/23/2021	04/23/2022	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 50,000 MED EXP (Any one person) \$ Excluded PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ Included \$
B	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input checked="" type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY <input type="checkbox"/> AUTOS ONLY			73APB004673	04/23/2021	04/23/2022	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		Y/N	N/A			PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Date: 3/29/2022

Location: Corner of E. North Ave & S. Western Ave Lampasas, TX 76550

Lampasas Kiwanis Club, City of Lampasas and Lampasas ISD are included as Additional Insureds with respects to the General Liability when required by a written contract/agreement.

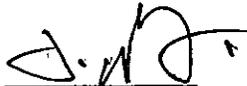
CERTIFICATE HOLDER**CANCELLATION**

Lampasas Kiwanis Club
Tasha Bates / Kiwanis Club
PO Box 1621
Lampasas TX 76550

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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City ManagerITEM NO. 77

**BUSINESS FOR THE CITY COUNCIL
OF THE
CITY OF LAMPASAS**

Subject:

Discussion and possible action regarding Rainwater Collection System at Campbell Park

Requested By: Finley deGraffenried, City Manager

Submitted By: Finley deGraffenried, City Manager

Date Submitted: February 10, 2022

For the Agenda of: February 14, 2022

Procurement and Funding Statement:

Council has approved expenditures sufficient to cover these costs.

Attachments: Proposals

Summary Statement:

As discussed during workshop, in October 2021 Council approved the base pricing and design with options for the Campbell Park Pavilion in an amount not to exceed \$200,000.00. At that time Council did not feel it was the right time to proceed with the Rainwater Catchment System. Mr. McDonald anticipates having an updated proposal for the system install at Monday's meeting.

Recommendation:

To consider a motion to approve, deny or approve with modifications the install of the Rainwater Collection System at Campbell Park.

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City ManagerITEM NO. 7.8

**BUSINESS FOR THE CITY COUNCIL
OF THE
CITY OF LAMPASAS**

Subject:

Discussion and possible action regarding financial support of the LEDC Business Park Roadway and Utility Improvements Phase 1 Base Bid and Add Alternate 1.

Requested By: Finley deGraffenried, City Manager

Submitted By: Finley deGraffenried, City Manager

Date Submitted: February 10, 2022

For the Agenda of: February 14, 2022

Procurement and Funding Statement:

Fund 35

Attachments:

Summary Statement:

As discussed during workshop, Council is asked to consider financial support of the LEDC Business Park Water and Sewer Infrastructure.

Recommendation:

To consider a motion to specify an amount from American Recovery Act, to utilize for this project, or in the alternative no action, or motion to not financially support infrastructure costs.

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City ManagerITEM NO. 7.9

**BUSINESS FOR THE CITY COUNCIL
OF THE
CITY OF LAMPASAS**

Subject:

Discussion and possible action regarding field and drainage upgrades to Turner Baseball Fields in the amount of \$58,150.00.

Requested By: Finley deGraffenried, City Manager

Submitted By: Finley deGraffenried, City Manager

Date Submitted: February 10, 2022

For the Agenda of: February 14, 2022

Procurement and Funding Statement:

Fund 68 by Budget Amendment

Attachments:

Summary Statement:

This item was discussed during workshop.

Recommendation:

To consider approval of the proposal to approve engagement of Texas Multi-Chem, LTD. for Turner Field rehabilitation in an amount not to exceed \$58,150.00, or in the alternative take no action.

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ATMOS ENERGY CORPORATION
MID-TEX DIVISION
STATEMENT OF RIDER GCR
February, 2022
PREPARED IN ACCORDANCE WITH
GAS UTILITIES DOCKET NO. 10170

Part (a) - Mid-Tex Commodity Costs

Line	(a)	(b)
1	Estimated Gas Cost per Unit:	\$0.44550
2	Estimated City Gate Deliveries:	239,578,160
3	Estimated Gas Cost:	<u>\$106,732,070</u>
4	Lost and Unaccounted For Gas %	2.5932%
5	Estimated Lost and Unaccounted for Gas	<u>\$2,767,776</u>
6	Total Estimated City Gate Gas Cost:	<u>\$109,499,846</u>
7	Estimated Sales Volume:	<u>267,075,170</u>
8	Estimated Gas Cost Factor - (EGCF)	<u>0.41000</u>
9	Reconciliation Factor - (RF):	0.01150
10	Taxes (TXS):	0.00000
11	Adjustment - (ADJ):	0.00000
12	Gas Cost Recovery Factor - (GCRF)	<u>0.42150 per Ccf</u>

Part (b) - Pipeline Services Costs

Line	(a)	(b)	(c)	(d)	(e)
			Rate R - Residential	Rate C - Commercial	Rate I - Industrial Service Rate T - Transportation ¹
13	Fixed Costs				
14	Fixed Costs Allocation Factors [Set by GUD 10170]	100.0000%	64.3027%	30.5476%	5.1497%
15	a. Current Month Fixed Costs of Pipeline Services	\$42,328,405	27,218,307	12,930,312	2,179,786
16	b. Plus: Second Prior Month Recovery Adjustment	\$0	\$0	\$0	\$0
	Net Fixed Costs	<u>\$42,328,405</u>	<u>\$27,218,307</u>	<u>\$12,930,312</u>	<u>\$2,179,786</u>
	Commodity Costs				
17	a. Estimated Commodity Cost of Pipeline Services	(\$2,391,162)	(1,638,573)	(740,133)	(12,456)
18	b. Plus: Second Prior Month Recovery Adjustment	\$0	\$0	\$0	\$0
19	Net Commodity Cost of Pipeline Services	<u>(\$2,391,162)</u>	<u>(\$1,638,573)</u>	<u>(\$740,133)</u>	<u>(\$12,456)</u>
20	Total Estimated Pipeline Costs (Line 16 + Line 19)	<u>\$39,937,243</u>	<u>\$25,579,734</u>	<u>\$12,190,179</u>	<u>\$2,167,330</u>
21	Estimated Billed Volumes		64,680,250 Ccf	44,295,790 Ccf	4,801,755 MMBtu
22	Pipeline Cost Factor (PCF) [Line 20 / Line 21]		0.39550 Ccf	0.27520 Ccf	\$0.4514 MMBtu
23	Gas Cost Recovery Factor - (GCRF) [Line 12]		0.42150 Ccf	0.42150 Ccf	\$4.1162 MMBtu
24	Rider GCR		<u>0.81700 Ccf</u>	<u>0.69670 Ccf</u>	<u>\$4.5676 MMBtu</u>
25			<u>Rate I -</u>	<u>Rate I -</u>	<u>\$4.5676 MMBtu</u>
			<u>Rate T -</u>	<u>Rate T -</u>	<u>\$0.4514 MMBtu</u>

¹ Industrial Service and Transportation are reported in MMBtu. An MMBtu conversion factor of .1024 is used to convert from Ccf.



Chris Felan
Vice President
Rates & Regulatory Affairs

January 26, 2022

City Official

Re: Rider GCR - Rate Filing under Docket No. 10170

Enclosed is Atmos Energy Corp., Mid-Tex Division's Statement of Rider GCR applicable for the February 2022 billing periods. This Statement details the gas cost component of the residential, commercial, and industrial sales rates for customers within your city. This filing is for informative purposes only and no action is required on your city's part.

Should you have any questions, please let me know.

Sincerely,

A handwritten signature in cursive script that reads "Chris Felan".

Chris Felan
Vice President, Rates and Regulatory Affairs
Atmos Energy, Mid-Tex Division

Attachment