

BURLESON POLICE DEPARTMENT

2025

RACIAL PROFILING ANALYSIS

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Executive Summary

Article 2B.0053-2B.0055 of the Texas Code of Criminal Procedure (CCP) requires the annual reporting to the local governing body of data collected on motor vehicle stops in which a ticket, citation, or warning was issued and to arrests made as a result of those stops, in addition to data collection and reporting requirements. Article 2B.0055 of the CCP directs that “a comparative analysis of the information compiled under 2B.0054” be conducted, with specific attention to the below areas:

1. 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;
2. examine the disposition of motor vehicle stops made by officers employed by the agency, categorized according to the race or ethnicity of affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction;
3. 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
4. information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

The analysis of material and data from the Burleson Police Department revealed the following:

- **A COMPREHENSIVE REVIEW OF THE BURLESON POLICE DEPARTMENT’S BIAS-BASED PROFILING POLICY (04-010) SHOWS THAT THE BURLESON POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH ARTICLE 2B.0053 OF THE TEXAS CODE OF CRIMINAL PROCEDURE.**
- **A REVIEW OF THE INFORMATION PRESENTED AND SUPPORTING DOCUMENTATION REVEALS THAT THE BURLESON POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH TEXAS LAW ON TRAINING AND EDUCATION REGARDING RACIAL PROFILING.**
- **A REVIEW OF THE DOCUMENTATION PRODUCED BY THE DEPARTMENT IN BOTH PRINT AND ELECTRONIC FORM REVEALS THAT THE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW ON THE RACIAL PROFILING COMPLAINT PROCESS AND PUBLIC EDUCATION ABOUT THE COMPLAINT PROCESS.**
- **ANALYSIS OF THE DATA REVEALS THAT THE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW ON THE COLLECTION OF RACIAL PROFILING DATA.**
- **THE BURLESON POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW CONCERNING THE REPORTING OF INFORMATION TO TCOLE.**
- **THE BURLESON POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW REGARDING CCP ARTICLES 2B.0053-2B.0055.**

Introduction

This report details an analysis of the Burleson Police Department's policies, training, and statistical information on racial profiling for the year 2025. This report has been prepared to specifically comply with Article 2B.0053, 2B.0054, and 2B.0055 of the Texas Code of Criminal Procedure (CCP) regarding the compilation and analysis of traffic stop data. Specifically, the analysis will address Articles 2B.0052 – 2B.0055 of the CCP and make a determination of the level of compliance with those articles by the Burleson Police Department in 2025. The full copies of the applicable laws pertaining to this report are contained in Appendix A.

This report is divided into six sections: (1) Burleson Police Department's policy on racial profiling; (2) Burleson Police Department's training and education on racial profiling; (3) Burleson Police Department's complaint process and public education on racial profiling; (4) analysis of Burleson Police Department's traffic stop data; (5) additional traffic stop data to be reported to TCOLE; and (6) Burleson Police Department's compliance with applicable laws on racial profiling.

For the purposes of this report and analysis, the following definition of racial profiling is used: 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 (Texas CCP Article 2B.0051(4)).

Burleson Police Department Policy on Racial Profiling

A review of Burleson Police Department's Bias-Based/Racial Profiling Policy (Policy 04-010) revealed that the department has adopted policies in compliance with Article 2B.0053 of the Texas CCP (see Appendix B). There are seven specific requirements mandated by Article 2B.0053 that a law enforcement agency must address. All seven are clearly covered in Burleson Police Department's policy. Burleson Police Department policies provide clear direction that any form of racial profiling is prohibited and that officers found engaging in inappropriate profiling may be disciplined up to and including termination. The policies also provide a very clear statement of the agency's philosophy regarding equal treatment of all persons regardless of race, ethnicity, or national origin. Appendix C lists the applicable statute and corresponding Burleson Police Department regulation.

A COMPREHENSIVE REVIEW OF BURLESON POLICE DEPARTMENT'S BIAS BASED PROFILING POLICY SHOWS THAT THE BURLESON POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH ARTICLE 2B.0053 OF THE TEXAS CODE OF CRIMINAL PROCEDURE.

Burleson Police Department Training and Education on Racial Profiling

Texas Occupation Code § 1701.253 and § 1701.402 require that curriculum be established and training certificates issued on racial profiling for all Texas peace officers. Information provided by the Burleson Police Department reveals that in 2025 racial profiling training and certification is current for all officers in the department, including a refresher course that was conducted in June 2025.

A REVIEW OF THE INFORMATION PRESENTED AND SUPPORTING DOCUMENTATION REVEALS THAT THE BURLESON POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH TEXAS LAW ON TRAINING AND EDUCATION REGARDING RACIAL PROFILING.

Burleson Police Department Complaint Process and Public Education on Racial Profiling

Article 2B.0053 §(b)3-4 of the Texas Code of Criminal Procedure requires that law enforcement agencies implement a complaint process on racial profiling and that the agency provide public education on the complaint process. Burleson Police Department's Bias-Based Profiling Policy Section IV (Complaint Process and Public Education) satisfies this requirement. The Burleson Police Department also has an easily accessible website (<https://www.burlesontx.com/241/Internal-Affairs>) which provides clear information for citizens who wish to file a complaint.

A REVIEW OF THE DOCUMENTATION PRODUCED BY THE DEPARTMENT REVEALS THAT THE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW ON THE RACIAL PROFILING COMPLAINT PROCESS AND PUBLIC EDUCATION ABOUT THE COMPLAINT PROCESS.

Burleson Police Department Statistical Data on Racial Profiling

Article 2B.0053(b) 6 and Article 2B.0054 requires that law enforcement agencies collect statistical information on motor vehicle stops in which a ticket, citation, or warning was issued and to arrests made as a result of those stops, in addition to other information noted previously. Burleson Police Department submitted statistical information on all motor vehicle stops in 2025 and accompanying information on the race/ethnicity of the person stopped. Accompanying this data was the relevant information required to be collected and reported by law.

ANALYSIS OF THE DATA REVEALS THAT THE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW ON THE COLLECTION OF RACIAL PROFILING DATA.

Analysis of the Data

Comparative Analysis #1:

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. Texas Code of Criminal Procedure Article 2B.0055(c)(1)(A)

The first chart depicts the percentages of people stopped by race/ethnicity among the total 13,070 motor vehicle stops in which a ticket, citation, or warning was issued, including arrests made, in 2025.¹

¹ There were 14 motor vehicle stops of drivers considered Alaska Native/American Indian. These motor vehicle stops were not charted in the first figure of this report due to the small number of cases relative to the population and the total number of motor vehicle stops among all drivers (13,070).

Chart 1: Percentage of Motor Vehicle Stops in Comparison to Benchmarks



White drivers constituted 68.30 percent of all drivers stopped, whereas Whites constitute 69.00 percent of the city population, 61.60 percent of the Johnson County population, and 40.00 percent of the Tarrant County population.²

Black drivers constituted 16.11 percent of all drivers stopped, whereas Blacks constitute 5.20 percent of the city population, 7.00 percent of the Johnson County population, and 17.30 percent of the Tarrant County population.

Hispanic drivers constituted 13.92 percent of all drivers stopped, whereas Hispanics constitute 19.40 percent of the city population, 26.60 percent of the Johnson County population, and 31.00 percent of the Tarrant County population.

Asian drivers constituted 1.57 percent of all drivers stopped, whereas Asians constitute 1.30 percent of the city population, 1.30 percent of the Johnson County population, and 6.70 percent of the Tarrant County population.

The chart shows that White drivers are stopped at rates higher than the percentage of Whites found in the Johnson County and Tarrant County populations, but almost equal to the percentage of

² City populations were derived from the U.S. Census Bureau 2023 5-year American Community Survey estimates. County populations were derived from the 2024 U.S. Census Bureau American Community Survey 1-year estimates. City and County populations by gender noted later in this report are based on the same estimates.

Whites in the city population. Blacks are stopped at rates higher than the percentage of Blacks found in the city and Johnson County populations, but almost equal to the percentage of Blacks in the Tarrant County population. Hispanics are stopped at rates lower than the percentage of Hispanics found in the city, Johnson County, and Tarrant County populations. Asian drivers are stopped at rates lower than the percentage of Asians found in the Tarrant County population, but almost equal to the percentage of Asians in the city and Johnson County populations.

Methodological Issues

Upon examination of the data, it is important to note that differences in overall stop rates of a particular racial or ethnic group, compared to that racial or ethnic group's proportion of the population, cannot be used to make determinations that officers have or have not racially profiled any given individual motorist. Claims asserting racial profiling of an individual motorist from the aggregate data utilized in this report are erroneous.

For example, concluding that a particular driver of a specific race/ethnicity was racially profiled simply because members of that particular racial/ethnic group as a whole were stopped at a higher rate than their proportion of the population—are as erroneous as claims that a particular driver of a specific race/ethnicity could NOT have been racially profiled simply because the percentage of stops among members of a particular racial/ethnic group as a whole were stopped at a lower frequency than that group's proportion of the particular population base (e.g., city or county population). In short, aggregate data as required by law and presented in this report cannot be used to prove or disprove that a member of a particular racial/ethnic group was racially profiled. Next, we discuss the reasons why using aggregate data—as currently required by the state racial profiling law—are inappropriate to use in making claims that any individual motorist was racially profiled.

Issue #1: Using Group-Level Data to Explain Individual Officer Decisions

The law dictates that police agencies compile aggregate-level data regarding the *rates* at which agencies *collectively* stop motorists in terms of their race/ethnicity. These aggregated data are to be subsequently analyzed in order to determine whether or not *individual* officers are "racially profiling" motorists. This methodological error, commonly referred to as the "ecological fallacy," defines the dangers involved in making assertions about individual officer decisions based on the examination of aggregate stop data. **In short, one cannot prove that an individual officer has racially profiled any individual motorist based on the rate at which a department stops any given group of motorists.** In sum, aggregate level data cannot be used to assess individual officer decisions, but the state racial profiling law requires this assessment.

Issue #2: Problems Associated with Population Base-Rates

There has been considerable debate as to what the most appropriate population "base-rate" is in determining whether or not racial/ethnic disparities exist. The base-rate serves as the benchmark for comparison purposes. The outcome of analyses designed to determine whether or not disparities exist is dependent on which base-rate is used. Population measures such as the U.S. Census can become quickly outdated, can be inaccurate, and may not keep pace with changes experienced in city and county population measures.

In addition, the validity of the benchmark base-rate becomes even more problematic if analyses fail to distinguish between residents and non-residents who are stopped. This is because the existence of significant proportions of non-resident stops will lead to invalid conclusions if racial/ethnic comparisons are made exclusively to resident population figures. **In sum, a valid measure of the driving population does not exist. As a proxy, census data are used but these types of benchmarks are problematic indicators of the driving population.** In addition, stopped motorists who are not residents of the city or county where the motor vehicle stop occurred are not included in the benchmark base-rate.

Issue #3: Officers Do Not Know the Race/Ethnicity of the Motorist Prior to the Stop

As illustrated in Table 3 near the end of this report, of the 13,070 motor vehicle stops in 2025, the officer knew the race/ethnicity of the motorist prior to the stop in 5.2% of the stops (676/13,070). This percentage is consistent across law enforcement agencies throughout Texas. An analysis of all annual racial profiling reports submitted to the Texas Commission on Law Enforcement, as required by the Texas racial profiling law, found that in 2.9% of the traffic stops in Texas, the officer knew the race/ethnicity of the motorist prior to the stop.³ The analysis included 1,186 Texas law enforcement agencies and more than 3.25 million traffic stops.

As noted, the legal definition of racial profiling in the Texas Code of Criminal Procedure Article 2B.0051(4) is “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.”

Almost always, Burleson PD officers do not know the race/ethnicity of the motorist prior to the stop. This factor further invalidates any conclusions drawn from the stop data presented in Chart 1. If an officer does not know the race/ethnicity of the motorist prior to the stop, then the officer cannot, by legal definition, be racial profiling. Racial profiling is a law-enforcement action based on the race/ethnicity of an individual. If the officer does not know the person's race/ethnicity before the action (in this case, stopping a vehicle), then racial profiling cannot occur.

Based on this factor, post-stop outcomes are more relevant for a racial profiling assessment, as presented later in this report, in comparison to initial motor vehicle stop data disaggregated by race/ethnicity. Once the officer has contacted the motorist after the stop, the officer has identified the person's race/ethnicity and all subsequent actions are more relevant to a racial profiling assessment than the initial stop data.

In short, the methodological problems outlined above point to the limited utility of using aggregate level comparisons of the rates at which different racial/ethnic groups are stopped in order to determine whether or not racial profiling exists within a given jurisdiction.

Table 1 reports the summaries for the total number of motor vehicle stops in which a ticket, citation, or warning was issued, and to arrests made as a result of those stops, by the Burleson Police Department in 2025. Table 1 and associated analyses are utilized to satisfy the comparative analyses as required by Texas law, and in specific, Article 2B.0055 of the CCP.

³ Winkler, Jordan M. (2016). *Racial Disparity in Traffic Stops: An Analysis of Racial Profiling Data in Texas*. Master's Thesis. University of North Texas.

Comparative Analysis #2:

Examine the disposition of motor vehicle stops made by officers employed by the agency, categorized according to the race or ethnicity of affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction. Texas Code of Criminal Procedure Article 2B.0055(c)(1)(B)

As shown in Table 1, there were a total of 13,070 motor vehicle stops in 2025 in which a ticket, citation, or warning was issued. The table also shows arrests made as a result of those stops. Roughly 80 percent of stops resulted in a verbal warning (10,500/13,070) and roughly 15 percent resulted in a citation. These result of stop actions accounted for roughly 95 percent of all stop outcomes and will be the focus of the discussion below.

Specific to **verbal warnings**, White motorists received a verbal warning in roughly 83 percent of stops involving White motorists (7,366/8,926), Black motorists received a verbal warning in roughly 78 percent of stops involving Black motorists, Hispanic motorists received a verbal warning in roughly 72 percent of all stops of Hispanic motorists, and Asian motorists received a verbal warning in roughly 80 percent of all stops of Asian motorists.

Specific to **citations**, White motorists received a citation in roughly 14 percent of stops involving White motorists (1,207/8,926), Black motorists received a citation in roughly 17 percent of stops of Black motorists, Hispanic motorists received a citation in roughly 23 percent of stops of Hispanic motorists, and Asian motorists received a citation in roughly 19 percent of stops of Asian motorists.

Of the 13,070 total stops in 2025, 428 **arrests** [citation and arrest (21) and arrest only (407)] were made, and this accounts for 3.3 percent of all stops. White motorists were arrested in 3.0 percent of stops involving White motorists (268/8,926), Black motorists were arrested in 4.5 percent of stops involving Black motorists, Hispanic motorists were arrested in 3.5 percent of stops involving Hispanic motorists, and Asian motorists were arrested in 1.5 percent of stops of Asian motorists.

Overall, arrests were most commonly based on a **violation of the penal code** (51.4%; 220/428) or an **outstanding warrant** (38.1%; 163/428) as illustrated in Table 1.

Finally, as presented in Table 1, **physical force resulting in bodily injury** did not occur in 2025.

Table 1: Traffic Stops and Outcomes by Race/Ethnicity

Stop Table	White	Black	Hispanic /Latino	Asian /Pacific Islander	Alaska Native /American Indian	Total
Number of Stops	8,926	2,106	1,819	205	14	13,070
Gender						
Female	3,403	800	558	82	7	4,850
Male	5,523	1,306	1,261	123	7	8,220
Reason for Stop						
Violation of Law	446	87	77	9	0	619
Preexisting Knowledge	146	52	31	1	0	230
Moving Traffic Violation	3,602	771	793	115	6	5,287
Vehicle Traffic Violation	4,732	1,196	918	80	8	6,934
Result of Stop						
Verbal Warning	7,366	1,641	1,318	163	12	10,500
Written Warning	85	19	15	0	0	119
Citation	1,207	352	423	39	2	2,023
Written Warning and Arrest	0	0	0	0	0	0
Citation and Arrest	9	7	5	0	0	21
Arrest	259	87	58	3	0	407
Arrest Based On						
Violation of Penal Code	149	41	29	1	0	220
Violation of Traffic Law	26	8	11	0	0	45
Violation of City Ordinance	0	0	0	0	0	0
Outstanding Warrant	93	45	23	2	0	163
Physical Force Resulting in Bodily Injury Used?						
No	8,926	2,106	1,819	205	14	13,070
Yes	0	0	0	0	0	0

Comparative Analysis #3:

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. Texas Code of Criminal Procedure Article 2B.0055(c)(1)(C)

In 2025, a total of 1,080 **searches** of motorists were conducted, or roughly 8 percent of all stops resulted in a search (1,080/13,070). Among searches within each racial/ethnic group, White motorists were searched in roughly 7 percent of all stops of White motorists (637/8,926), Black motorists were searched in roughly 13 percent of all stops of Black motorists, Hispanic motorists were searched in roughly 9 percent of all stops of Hispanic motorists, and Asian motorists were searched in roughly 2 percent of all stops of Asian motorists.

As illustrated in Table 2, the most common reason for a search was probable cause (47.7%; 515/1,080). Among **searches based on probable cause** within each racial/ethnic group, White motorists were searched based on probable cause in roughly 38 percent of all searches of White motorists (244/637), Black motorists were searched based on probable cause in roughly 73 percent of all searches of Black motorists, Hispanic motorists were searched based on probable cause in roughly 41 percent of all searches of Hispanic motorists, and Asian motorists were searched based on probable cause in 40 percent of all searches of Asian motorists.

The second most common reason for a search was consent (40.6%; 438/1,080). **Consent searches** are regarded as discretionary as opposed to non-discretionary searches. Relative to the total number of stops (13,070), discretionary consent searches occurred in 3.4 percent of stops.

Among **consent searches** within each racial/ethnic group, White motorists were searched based on consent in roughly 50 percent of all searches of White motorists (318/637), Black motorists were searched based on consent in roughly 16 percent of all searches of Black motorists, Hispanic motorists were searched based on consent in 45 percent of all searches of Hispanic motorists, and Asian motorists were searched based on consent in 60 percent of all searches of Asian motorists (3 consent searches out of a total 5 searches of Asian motorists).

Of the searches that occurred in 2025, and as shown in Table 2, contraband was discovered in 823 or roughly 76 percent of all searches (823/1,080 total searches). Among the searches in which contraband was discovered, most of the time the contraband discovered was drugs (66.1%; 544/823). Finally, as illustrated in Table 2, when contraband was discovered, motorists were arrested roughly 19 percent of the time (160/823).

Table 2: Searches and Outcomes by Race/Ethnicity

Search Table	White	Black	Hispanic /Latino	Asian /Pacific Islander	Alaska Native /American Indian	Total
Search Conducted						
Yes	637	276	160	5	2	1,080
No	8,289	1,830	1,659	200	12	11,990
Reason for Search						
Consent	318	44	72	3	1	438
Contraband in Plain View	35	13	12	0	0	60
Probable Cause	244	202	66	2	1	515
Inventory	23	7	3	0	0	33
Incident to Arrest	17	10	7	0	0	34
Was Contraband Discovered						
Yes	480	223	115	3	2	823
No	157	53	45	2	0	257
Description of Contraband						
Drugs	305	171	64	2	2	544
Weapons	14	3	4	0	0	21
Currency	1	1	0	0	0	2
Alcohol	23	7	16	0	0	46
Stolen Property	6	3	1	0	0	10
Other	131	38	30	1	0	200
Did Discovery of Contraband Result in Arrest?						
Yes	104	35	20	1	0	160
No	376	188	95	2	2	663

Comparative Analysis #4:

Information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling. Texas Code of Criminal Procedure Article 2B.0055(c)(2)

In 2025, internal records indicate that the Burleson Police Department received no complaints alleging that a peace officer employed by the agency engaged in racial profiling.

Additional Analysis:

Statistical analysis of motor vehicle stops relative to the gender population of the agency's reporting area. This analysis is presented in the report based on a December 2020 email sent from TCOLE to law enforcement executives in Texas.

In 2025, 13,070 motor vehicle stops were made by the Burleson Police Department. Of these stops, 4,850 or roughly 37 percent were female drivers (4,850/13,070), and roughly 63 percent were male drivers (see Table 1).

According to American Community Survey (ACS) city and county population estimates of the U.S. Census Bureau, Burleson was composed of 51.1 percent females and 48.9 percent males. Johnson County population estimates indicate that females accounted for 49.8 percent of the county population and males accounted for 50.2 percent of the county population. Tarrant County population estimates indicate that females accounted for 50.9 percent of the county population and males accounted for 49.1 percent of the county population.

Overall, in 2025, males were stopped at rates higher than their proportion of the city and county populations.

Additional Information Required to be Reported to TCOLE

Table 3 below provides additional information relative to motor vehicle stops in 2025 by the Burleson Police Department. The data are required to be collected by the Burleson Police Department under the Texas Code of Criminal Procedure Article 2B.0054.

As previously noted, the Burleson Police Department received no complaints alleging that a peace officer employed by the agency engaged in racial profiling. Furthermore, as previously discussed, of the 13,070 motor vehicle stops in 2025, the officer knew the race/ethnicity of the motorist prior to the stop in 5.2% of the stops (676/13,070).

Table 3: Additional Information

Additional Information	Total
Was Race/Ethnicity Known Prior to Stop	
Yes	676
No	12,394
Approximate Location of Stop	
City Street	8,895
US Highway	1,212
County Road	244
State Highway	2,695
Private Property/Other	24
Number of Complaints of Racial Profiling	
Resulted in Disciplinary Action	0
Did Not Result in Disciplinary Action	0

Analysis of Racial Profiling Compliance by Burleson Police Department

The foregoing analysis shows that the Burleson Police Department is fully in compliance with all relevant Texas laws concerning racial profiling, including the existence of a formal policy prohibiting racial profiling by its officers, a formalized complaint process, and the collection of data in compliance with the law.

In addition to providing summary reports and analysis of the data collected by the Burleson Police Department in 2025, this report also included an extensive presentation of some of the limitations involved in the level of data collection currently required by law and the methodological problems associated with analyzing such data for the Burleson Police Department as well as police agencies across Texas.

Appendix A
Racial Profiling Statutes and Laws

TEXAS CODE OF CRIMINAL PROCEDURE
CHAPTER 2B. LAW ENFORCEMENT INTERACTIONS WITH PUBLIC

SUBCHAPTER A. GENERAL PROVISIONS

Art. 2B.0001. DEFINITIONS. In this chapter:

- (1) "Commission" means the Texas Commission on Law Enforcement.
- (2) "Department" means the Department of Public Safety of the State of Texas.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 1.001, eff. January 1, 2025.

SUBCHAPTER B. RACIAL PROFILING; MOTOR VEHICLE STOPS

Art. 2B.0051. DEFINITIONS. In this subchapter:

- (1) "Bodily injury" has the meaning assigned by Section 1.07, Penal Code.
- (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) Hispanic or Latino; and
 - (E) white.
- (4) "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 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 1.001, eff. January 1, 2025.

Art. 2B.0052. RACIAL PROFILING PROHIBITED. A peace officer may not engage in racial profiling.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 1.001, eff. January 1, 2025.

Art. 2B.0053. LAW ENFORCEMENT POLICY ON RACIAL PROFILING.

(a) In this article, "law enforcement agency" means an agency of this state, or of a county, municipality, or other political subdivision of this state, that employs peace officers who make motor vehicle stops in the routine performance of the officers'

official duties.

(b) Each law enforcement agency 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 the agency employing a peace officer to take appropriate corrective action against the peace officer after an investigation shows that the peace officer has 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 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 commission; 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 this state.

(c) On the commencement of an investigation by a law enforcement agency of a complaint described by Subsection (b) (3) in which there is a video or audio recording of the occurrence that is the basis for the complaint, 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 for a copy of the recording.

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

(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 required by a policy under Subsection (b)(6).

(f) The commission shall begin disciplinary procedures against the chief administrator of a law enforcement agency if the commission finds that the chief administrator intentionally failed to submit a report required under Subsection (b)(7).

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 1.001, eff. January 1, 2025.

Art. 2B.0054. REPORTS REQUIRED FOR MOTOR VEHICLE STOPS. (a) A peace officer who makes a motor vehicle stop shall report to the law enforcement agency that employs the officer information relating to the stop, including:

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

(A) the individual's gender; and

(B) the individual's race or ethnicity, as stated by the individual or, if the individual does not state the individual'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:

(A) whether the individual detained consented to the search;

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

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

(ii) any probable cause or reasonable suspicion

- existed to perform the search; or
- (iii) the search was performed because the motor vehicle was towed or because of the arrest of any individual in the motor vehicle; and
- (C) whether any contraband or other evidence was discovered during the search and a description of the contraband or evidence;
- (4) whether the officer made an arrest as a result of the stop or the search and, if so, a statement of:
 - (A) whether the arrest was based on:
 - (i) a violation of the Penal Code;
 - (ii) a violation of a traffic law or ordinance; or
 - (iii) an outstanding warrant; and
 - (B) the offense charged;
- (5) the street address or approximate location of the stop;
- (6) whether the officer issued a verbal or written warning or a ticket or citation as a result of the stop; and
- (7) whether the officer used physical force that resulted in bodily injury during the stop.
- (b) 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 (a) to ensure that the race or ethnicity of the individual operating the motor vehicle is reported.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 1.001, eff. January 1, 2025.

Art. 2B.0055. COMPILATION AND ANALYSIS OF INFORMATION

- COLLECTED. (a) A law enforcement agency shall compile and analyze the information contained in each report received by the agency under Article 2B.0054.
- (b) 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:
- (1) the commission; and
 - (2) the governing body of each county or municipality served by the agency, if the law enforcement agency is a local law enforcement 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. The report must include:
- (1) a comparative analysis of the information compiled under Article 2B.0054 to:
 - (A) evaluate and compare the number of motor vehicle

stops, within the applicable jurisdiction, of:

(i) individuals recognized as members of racial or ethnic minority groups; and

(ii) individuals not recognized as members of racial or ethnic minority groups;

(B) examine the disposition of motor vehicle stops made by officers employed by the agency, categorized according to the race or ethnicity of the individuals affected, 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 during 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 2B.0054(a)(1).

(e) The commission, in accordance with Section 1701.162, Occupations Code, shall develop guidelines for compiling and reporting information as required by this article.

(f) The commission shall begin disciplinary procedures against the chief administrator of a law enforcement agency if the commission finds that the chief administrator intentionally failed to submit a report required under Subsection (b).

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 1.001, eff. January 1, 2025.

Art. 2B.0056. PRIMA FACIE EVIDENCE. The data collected as a result of the reporting requirements of Articles 2B.0053 and 2B.0055 does not constitute prima facie evidence of racial profiling.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 1.001, eff. January 1, 2025.

Art. 2B.0057. 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 2B.0054 or under a policy adopted under Article 2B.0053.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 1.001, eff. January 1, 2025.

Art. 2B.0058. CIVIL PENALTY. (a) If the chief administrator of a local law enforcement agency intentionally fails to submit the incident-based data required by Article 2B.0055, 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 required by Article 2B.0055 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.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 1.001, eff. January 1, 2025.

Art. 2B.0059. RULES. The department may adopt rules to implement Articles 2B.0052, 2B.0053, 2B.0054, 2B.0055, 2B.0056, and 2B.0057.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 1.001, eff. January 1, 2025.

Appendix B

Burleson Police Department Racial Profiling Policy

Burleson Police Department
Administrative Policy and Procedures

Number: 04-010

Document Title: Biased Based Profiling

Effective Date: 4/2001

Last Review Date:

Last Revised Date: 09/22/2017

CALEA Standards Referenced: 1.2.9a-c; 41.3.8a/b/c/d/e/g; 33.5.1

Issuing Authority: _____

Billy Cordell, Chief of Police

This Biased Based Profiling policy is adopted in compliance with the requirements of Article 2.131 through 2.1.3.7 of the Code of Criminal Procedures prohibiting Texas Police Officers from engaging in biased based policing. Biased based policing undermines legitimate law enforcement efforts and may lead to claims of civil rights violations. It often alienates citizens and may foster distrust of law enforcement within the community.

I. Policy [1.2.9a/c]

Members of the Burleson Police Department will not engage in activities that are discriminatory or practice bias-based policing. Personnel will focus on the behavior(s) of the individual and/or specific information before taking police action. Allegations of Biases Based Profiling will be thoroughly investigated and appropriate action will be taken up to termination.

II. Definitions:

A. **Biased Based Profiling:**

A law enforcement-initiated action based on an individual(s) race, ethnicity, gender, sexual orientation, religion, economic status, age, or other bias. For purpose of this directive the term "racial profiling" is a part of Biased Based Profiling.

B. **Race or Ethnicity:**

Heritage of a particular descent, including White (W), Black (B), Hispanic or Latino (H), Asian or Pacific Islander (A), Alaska Native or Native American (NA).

C. **Seizure:**

Taking of property from an individual without the individual's consent or any restriction of an individual's liberty without the individual's consent. A detention will be considered a seizure, as will an arrest. Seizure also includes any filing of documents with the District Attorney for the purpose of asset forfeiture.

D. **Traffic Stop:**

The stopping of a motor vehicle by a peace officer for an alleged violation of law or ordinance regulating traffic.

E. **Pedestrian Stop:**

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.

III. Prohibited action [1.2.9a]

Peace officers of the City of Burleson are strictly prohibited from engaging in biased based profiling. The prohibition against biased based profiling does not preclude the use of race, ethnicity, or national origin as factors in a detention decision by a peace officer. Race, ethnicity, or national origin may be legitimate factors in such a decision when used as part of a description of a suspect or witness for whom a peace officer is searching.

IV. Complaint Process and Public Education

- A. Any person alleging biased based profiling may file a complaint in accordance with Burleson Police Department Internal Affairs policies. No person shall be discouraged, intimidated, or coerced from filing such a complaint, or be discriminated against because they have filed such a complaint.
- B. Any member of the department who receives a citizen complaint alleging biased based profiling shall forward the complaint to Internal Affairs or their direct supervisor within 12 hours. Receipt and processing of the complaint will be in accordance with departmental policy.
- C. The police department of the City of Burleson shall provide education to the public concerning the biased based profiling complaint process or complaint with respect to each citation, or warning issued by a police officer, including but not limited to the telephone number, mailing address and email address. A summary of the public education efforts made during the preceding year shall be included with the annual report filed with the governing body of the City of Burleson.

V. Corrective Action [1.2.9c]

Any peace officer who is found, to have engaged in biased based profiling in violation of this policy shall be subject to corrective action, termination, or other appropriate action as determined by the Chief of Police.

VI. Collection of information and annual report when citation(s) are issued or arrest(s) are made. [1.2.9c]

- A. For each traffic stop in which a citation is issued and for each arrest resulting from such traffic stops, a peace officer involved in the stop shall collect information:
 - 1. Identifying the race or ethnicity of the person detained.
 - 2. Stating whether the race of the subject was known before the stop.
 - 3. If a search was conducted
 - 4. Whether the person detained consented to the search.
 - 5. Whether the peace officer used physical force that resulted in bodily injury, as the term is defined by Section 1.07, Penal Code ("means physical pain, illness, or any impairment to physical condition), during the stop.
 - 6. The location of the stop.
 - 7. The reason for the stop.
- B. In January of each year a consulting firm contracted by the City of Burleson will compile this information in an annual report to the Chief of Police for review. This report covering the period January 1 through December 31 of the previous year, will then be submitted by the Chief of Police to the governing body of the City of Burleson and to the T.C.O.L.E no later than March 1. The annual report shall not include identifying information about any individual stopped or arrested, and shall not include identifying information about any law enforcement officer involved in a stop or arrest. [1.2.9c]
- C. The Support Bureau Captain will compile a statistical summary of all bias based complaints which will include the disposition of the case and will be included in the above-mentioned report. [1.2.9c]
- D. Vehicle used by officers to make traffic and pedestrian stops shall be equipped with video camera and transmitter-activated equipment. Motorcycles will be equipped with an audio recording device. Audio and video equipment will be activated each time a violator/suspect contact is made. Malfunctioning equipment will be reported immediately

to the shift supervisor. Recordings will be kept a minimum of 90 days unless a complaint is made, in which case such recordings will be kept until final resolution of the complaint. [41.3.8a/b/c/d/e]

- E. Supervisors shall periodically conduct quarterly reviews of randomly-selected recordings to determine if patterns of biased based profiling exist and report their results through their chain of command. [41.3.8c/g]

VII. Training [1.2.9b]

- A. The Burleson Police Department Training Coordinator will ensure all officers and employees receive on-going training on laws governing biased based profiling as well as asset seizure and forfeiture as required by T.C.O.L.E.

Appendix C

Racial Profiling Laws and Corresponding Department Policies

Texas CCP Article	BURLESON POLICE DEPARTMENT Biased Based Profiling Policy 04-010
2B.0053(b)1	Section II Definitions
2B.0053(b)2	Section III Prohibited Action
2B.0053(b)3	Section IV Complaint Process and Public Education
2B.0053(b)4	Section IV Complaint Process and Public Education
2B.0053(b)5	Section V Corrective Action
2B.0053(b)6	Section VI Collection of Information and Annual Report when Citations are Issued or Arrests Made
2B.0053(b)7	Section VI Collection of Information and Annual Report when Citations are Issued or Arrests Made