



Memorandum

To: Honorable Mayor Jeff Cheney and Members of the Frisco City Council

Cc: George Purefoy, City Manager
Henry Hill, Deputy City Manager

From: David Shilson, Chief of Police

Date: February 1, 2022

Subject: 2021 Bias Based Profiling Report

Introduction

The Frisco Police Department, in accordance with the Texas Code of Criminal Procedure § 2.131-2.138, has been collecting police contact data for the purpose of identifying and responding, if necessary, to concerns regarding biased based profiling practices. The law also requires that the police department submit to the governing body, city council, an annual report of the information collected. The purpose of this annual report is to provide statistical data and analysis for a year's worth of traffic stop data covering the period of January 1, 2021, through December 31, 2021. To accomplish this, this report will focus upon the following topics:

1. How the traffic stop data was collected.
2. An overview of the racial/ethnic data collected.
3. An analysis of what the department believes the statistics mean, as well as what the department has learned from the data.
4. Problems identified when analyzing the data.
5. Recommendations addressing issues of concern.

How the Traffic Stop Data Was Collected

The Texas Code of Criminal Procedure § 2.131-2.138 mandated collection of information relating to motor vehicle stops in which a citation is issued or there are arrests resulting from those stops. The data, called tier 1 data, would include:

1. The race or ethnicity of the individual detained.

2. Whether a search was conducted.

3. Whether the search was consensual.

An Overview of the Racial/Ethnicity Data Collected

Table 2 contains the information collected from traffic stops in 2021 where a citation or warning was issued, or an arrest was made. Table 1 contains the information collected from motor vehicle stops in 2020 where a citation or warning was issued, or an arrest was made. Table 1 is provided for comparison purposes. Assignment of race and/or ethnicity to a category is either as stated by the stopped person or as determined by the officer to best of his ability. A consensual search is determined by a request from the officer to conduct a search. The person stopped is under no obligation to consent to the search. If they do not consent, then the officer must have probable cause for the search. This would include search incident to an arrest, inventory of vehicle after arrest, or other probable cause for searches without a warrant.

For example, table 1 reads that in 2020 we stopped 16,007 White drivers and either issued a citation, made an arrest, or gave them a warning. This accounted for 53.95% of all traffic stops. Of all the White drivers stopped, 2.46% of them were searched. Of these searches, 34.43% were consensual and the rest non-consensual. Regarding arrests, .93% of White drivers stopped were arrested for the traffic violation or other charges. Of all the searches of White drivers whether consensual or not, 41.77% of the searches located contraband.

Table 1. General Demographics of Contacts and Searches 2020

Race/ Ethnicity*	Contacts		Searches		Consensual Searches		Non- Consensual Searches		Custody Arrest		Contraband Found	
	N	%	N	%	N	%	N	%	N	%	N	%
White	16,007	53.95	395	2.46	136	34.43	259	65.56	149	.93	165	41.77
Black	5,685	19.15	312	5.48	75	24.03	237	75.96	113	1.98	75	24.03
Hispanic	4,378	14.75	151	3.44	60	39.73	91	60.26	65	1.48	60	39.73
Asian / Pacific Islander	3,558	11.99	30	.84	10	33.33	20	66.66	11	.30	8	26.66
Alaskan Native / American Indian	45	.15	0	0	0	0	0	0	0	0	0	0
Total	29,673	100	888	2.99	281	31.64	607	68.35	338	1.13	390	43.91

*Race/Ethnicity are defined by Texas Code of Criminal Procedure § 2.132 (a)3.

Table 2 reads that in 2021 we stopped 17,768 White drivers and either issued a citation, made an arrest, or gave them a warning. This accounted for 51.14% of all traffic stops. Of all the White drivers stopped, 1.89% of them were searched. Of these searches, 32.24% were consensual and the rest non-consensual. Regarding arrests, 0.69% of White drivers stopped were arrested for the traffic violation or other charges. Of all the searches of White drivers whether consensual or not, 45.07% of the searches located contraband.

Table 2. General Demographics of Contacts and Searches 2021

Race/ Ethnicity*	Contacts		Searches		Consensual Searches		Non- Consensual Searches		Custody Arrest		Contraband Found	
	N	%	N	%	N	%	N	%	N	%	N	%
White	17,768	51.14	335	1.89	108	32.24	227	67.76	122	.69	151	45.07
Black	6,930	19.95	407	5.87	75	18.43	332	81.57	123	1.77	186	45.70
Hispanic	5,383	15.49	172	3.20	63	36.63	109	63.37	59	1.10	88	51.16
Asian / Pacific Islander	4,560	13.12	23	.50	6	26.09	17	73.91	9	.20	8	34.78
Alaskan Native / American Indian	102	.29	0	0	0	0	0	0	0	0	0	0
Total	34,743	100	937	2.70	252	26.89	685	73.11	313	.90	433	46.21

*Race/Ethnicity are defined by Texas Code of Criminal Procedure § 2.132 (a)3.

Department's Analysis of the Data and Lessons Learned

This is the eighteenth year that this report is required. Agencies across the state are still determining the best and most accurate means of capturing, reporting, and comparing data to achieve meaningful analysis. The data presented in this report contains valuable information regarding police contacts with the public between 1/1/21 and 12/31/21. Despite its value, the raw data does not present much information relevant to racial profiling trends. Although further analysis of the data is warranted, it is problematic. The experts in this field identify two sources. One is census data for our community and the second is Department of Public Safety data for licensed drivers in our community. Both sources present challenges to any effort made at establishing a fair and accurate analysis. Census data contains information of all residents of a particular community, regardless of the fact they may or may not be among the driving population. Department of Public Safety data is only available sorted by zip code and 75033/75034/75035/75036 contains driver information for persons living outside the city. Department of Public Safety data, at least, identifies those persons who ought to be driving in Frisco, but certainly cannot account for drivers coming here to work, shop or just passing through. Both of these data integrity issues have a tendency of inflating the overall figures; thus, providing an

inaccurate representation of police contacts with the public. A third method of capturing driver information is to review crash reports and compile information of the drivers involved in collisions found to be not at fault. A University of Kentucky study found this method to be most accurate in determining the ethnicity of drivers in a city for a particular year.

A comparison of this data showed that in 2021 there were 1,933 drivers involved in crashes where the crash report listed no contributing factors or “not at fault”. Of these drivers 56.03% were White, 17.43% Black, .62% Native American, 12.57% Asian, 11.43% Hispanic, and 1.91% were listed as unknown, other, or two or more races.

Our traffic stop data showed that of the persons warned, cited, or arrested, White’s accounted for 51.14%, Black’s 19.94%, Native American’s .29%, Asian’s 13.12%, and Hispanic’s 15.49%.

Data Set	White	Black	Native American	Asian	*Hispanic	Other / 2 or more
2021 Not at Fault Crash Records	56.03%	17.43%	0.62%	12.57%	11.43%	1.91%
2020 Frisco at a Glance (Census)	60.70%	8.40%	0.40%	26%	10.70%	4.30%
Traffic Stop Data 2021	51.14%	19.94%	0.29%	13.12%	15.49%	N/A

* Hispanic origin is considered as an ethnicity, therefore is not included in the total percentage on the Census Survey Data

Profiling Complaints Received

	Complaints	Sustained	Unfounded	Exonerated	Not Sustained
2019	14	0	14	0	0
2020	7	0	7	0	0
2021	6	0	6	0	0

In 2021, the department received six complaints alleging racial profiling. All six complaints received were investigated by the Professional Standards Unit. During this past year the department continued its effort to encourage citizens to report/complain of any incident where they felt officers of the department may have been participating in biased based practices. All complaints received in 2021 have an unfounded disposition meaning the allegation was found to be false or not factual following an investigation.

In conclusion, the findings suggest that the department does not currently experience a problem regarding biased based profiling practices. The continuing effort to collect police contact data will enable an on-going evaluation of police practices. Thus, allowing for the citizens of the community to benefit from professional and courteous service from their police department.

Recommendations Addressing Issues of Concern

Beyond the collection of data, the department will continue to publish information about the Bias Based Profiling Policy to its personnel and the public. Complaints of bias-based profiling will be investigated. I have attached a copy of Frisco Police Department's Racial Profiling TCLEDDS Report, Tier 1 Racial Profiling Report, and our Bias Based Profiling Policy. If you have any questions or comments, feel free to contact me.

Attachment A

Frisco Police Department Racial Profile Report – reported to TCOLE

FRISCO POLICE DEPARTMENT Racial Profile Report

01/01/2021 - 12/31/2021



Total stops: 34743

Street address or approximate location of the stop

City Street: 30613
US Highway: 699
State Highway: 3188
County road: 20
Private property or other: 223

Was race or ethnicity known prior to stop?

Yes: 397
No: 34346

Race or Ethnicity

Alaskan Native/American Indian: 102
Asian/Pacific Islander: 4560
Black: 6930
White: 17768
Hispanic/Latino: 5383

Gender

Female: 14163

Alaskan Native/American Indian: 37
Asian/Pacific Islander: 1561
Black: 2979
White: 7893
Hispanic/Latino: 1693

Male: 20580

Alaskan Native/American Indian: 65
Asian/Pacific Islander: 2999
Black: 3951
White: 9875
Hispanic/Latino: 3690

Attachment A (continued)

Reason for stop?

Violation of law: 730

Alaskan Native/American Indian: 0

Asian/Pacific Islander: 67

Black: 163

White: 348

Hispanic/Latino: 152

Pre existing knowledge: 344

Alaskan Native/American Indian: 0

Asian/Pacific Islander: 9

Black: 73

White: 132

Hispanic/Latino: 130

Moving traffic violation: 25982

Alaskan Native/American Indian: 77

Asian/Pacific Islander: 3726

Black: 4821

White: 13648

Hispanic/Latino: 3710

Vehicle traffic violation: 7687

Alaskan Native/American Indian: 25

Asian/Pacific Islander: 758

Black: 1873

White: 3640

Hispanic/Latino: 1391

Was a search conducted?

Yes: 937

Alaskan Native/American Indian: 0

Asian/Pacific Islander: 23

Black: 407

White: 335

Hispanic/Latino: 172

No: 33806

Alaskan Native/American Indian: 102

Asian/Pacific Islander: 4537

Black: 6523

White: 17433

Hispanic/Latino: 5211

Attachment A (continued)

Reason for Search?

Consent: 255
 Alaskan Native/American Indian: 0
 Asian/Pacific Islander: 6
 Black: 77
 White: 108
 Hispanic/Latino: 64

Contraband in plain view: 100
 Alaskan Native/American Indian: 0
 Asian/Pacific Islander: 3
 Black: 37
 White: 35
 Hispanic/Latino: 25

Probable cause: 470
 Alaskan Native/American Indian: 0
 Asian/Pacific Islander: 9
 Black: 259
 White: 138
 Hispanic/Latino: 64

Inventory: 68
 Alaskan Native/American Indian: 0
 Asian/Pacific Islander: 3
 Black: 20
 White: 33
 Hispanic/Latino: 12

Incident to arrest: 44
 Alaskan Native/American Indian: 0
 Asian/Pacific Islander: 2
 Black: 14
 White: 21
 Hispanic/Latino: 7

Was Contraband discovered

Yes: 433
 Alaskan Native/American Indian: 0
 Asian/Pacific Islander: 8
 Black: 196
 White: 151
 Hispanic/Latino: 88

No: 504
 Alaskan Native/American Indian: 0
 Asian/Pacific Islander: 15
 Black: 221
 White: 184
 Hispanic/Latino: 84

Did the finding result in arrest (total should equal previous column)?

	Yes	No
Alaskan Native/American Indian:	0	0
Asian/Pacific Islander:	2	6
Black:	76	110
White:	55	96
Hispanic/Latino:	32	56

Attachment A (continued)

Description of contraband

Drugs: 293
Alaskan Native/American Indian: 0
Asian/Pacific Islander: 5
Black: 137
White: 94
Hispanic/Latino: 57

Currency : 4
Alaskan Native/American Indian: 0
Asian/Pacific Islander: 0
Black: 1
White: 2
Hispanic/Latino: 1

Weapons: 21
Alaskan Native/American Indian: 0
Asian/Pacific Islander: 0
Black: 15
White: 4
Hispanic/Latino: 2

Alcohol: 44
Alaskan Native/American Indian: 0
Asian/Pacific Islander: 1
Black: 9
White: 18
Hispanic/Latino: 16

Stolen property: 0
Alaskan Native/American Indian: 0
Asian/Pacific Islander: 0
Black: 0
White: 0
Hispanic/Latino: 0

Other: 71
Alaskan Native/American Indian: 0
Asian/Pacific Islander: 2
Black: 24
White: 33
Hispanic/Latino: 12

Attachment A (continued)

Result of the stop

Verbal warning: 15599

Alaskan Native/American Indian: 78

Asian/Pacific Islander: 2152

Black: 3170

White: 7887

Hispanic/Latino: 2512

Written warning: 8481

Alaskan Native/American Indian: 4

Asian/Pacific Islander: 908

Black: 1560

White: 5082

Hispanic/Latino: 929

Citation: 10286

Alaskan Native/American Indian: 20

Asian/Pacific Islander: 1490

Black: 2050

White: 4855

Hispanic/Latino: 1871

Written Warning and Arrest: 10

Alaskan Native/American Indian: 0

Asian/Pacific Islander: 1

Black: 4

White: 4

Hispanic/Latino: 1

Citation and Arrest: 54

Alaskan Native/American Indian: 0

Asian/Pacific Islander: 2

Black: 23

White: 18

Hispanic/Latino: 11

Arrest: 313

Alaskan Native/American Indian: 0

Asian/Pacific Islander: 9

Black: 123

White: 122

Hispanic/Latino: 59

Attachment A (continued)

Arrest based on

Violation of Penal Code: 221
Alaskan Native/American Indian: 0
Asian/Pacific Islander: 11
Black: 74
White: 92
Hispanic/Latino: 44

Violation of Traffic Law: 27
Alaskan Native/American Indian: 0
Asian/Pacific Islander: 0
Black: 6
White: 13
Hispanic/Latino: 8

Violation of City Ordinance: 0
Alaskan Native/American Indian: 0
Asian/Pacific Islander: 0
Black: 0
White: 0
Hispanic/Latino: 0

Outstanding Warrant: 128
Alaskan Native/American Indian: 0
Asian/Pacific Islander: 1
Black: 69
White: 39
Hispanic/Latino: 19

Was physical force resulting in bodily injury used during stop?

Yes: 10

Alaskan Native/American Indian: 0
Asian/Pacific Islander: 0
Black: 1
White: 6
Hispanic/Latino: 3

No: 34733

Alaskan Native/American Indian: 102
Asian/Pacific Islander: 4560
Black: 6929
White: 17762
Hispanic/Latino: 5380

Number of complaints of racial profiling

Total 6

Resulted in disciplinary action 0

Did not result in disciplinary action 6

Attachment B

Tier 1 Racial Profiling Report

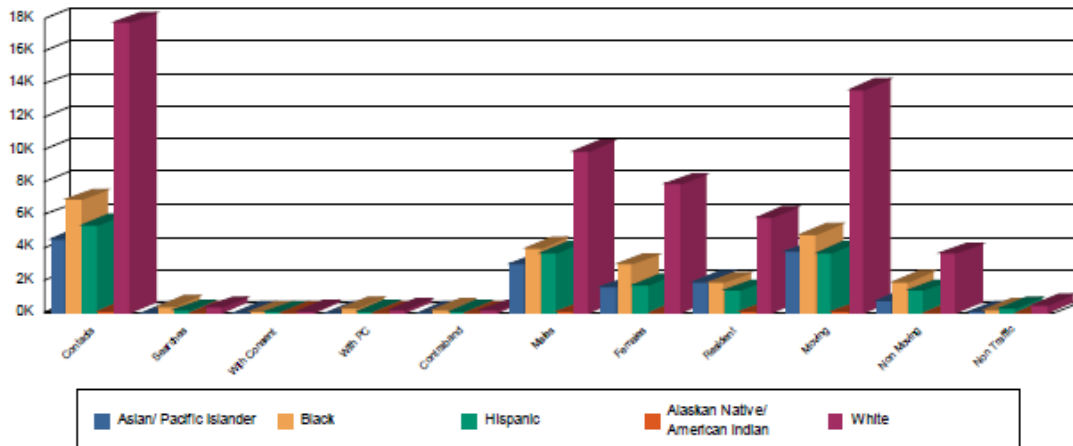


FRISCO POLICE DEPARTMENT

Racial Profiling

01/01/2021 - 12/31/2021

	Contacts		Search	Consent	pc/pv /Inv /Arr	Contra	Male	Female	B/I	Resident	Race Known	Reason For Contact		
	#	Percent										Moving	Non- Moving	Non- Traffic
Asian/ Pacific Islander	4560	13.12%	23	6	17	8	2999	1561	0	1908	25	3726	758	76
Black	6930	19.95%	407	75	332	186	3951	2979	1	1848	110	4821	1873	236
Hispanic	5383	15.49%	172	63	109	88	3690	1693	3	1395	74	3710	1391	282
Alaskan Native/ American Indian	102	0.29%	0	0	0	0	65	37	0	69	0	77	25	0
White	17768	51.14%	335	108	227	151	9875	7893	6	5834	188	13648	3640	480
Total	34743		937	252	685	433	20580	14163	10	11054	397	25982	7687	1074



Hispanic is determined by ethnicity, regardless of race.
Hispanics are not included in other races.

Attachment B (continued)

Missing Racial Profiling Data

CFS#	Date/Time	Primary Unit	Call Type	Dispo	Source
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Hispanic is determined by ethnicity, regardless of race.
Hispanics are not included in other races.

Attachment C

Bias Based Profiling Policy



GENERAL ORDER 6.20

ISSUED: December 1, 2001

REVISED: June 4, 2018

EFFECTIVE: June 18, 2018

BIAS BASED PROFILING

Standards: 1.2.9a, 1.2.9b, 1.2.9c

6.20.01 PURPOSE.

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

6.20.02 POLICY.

It is the policy of this department to police in a proactive manner and to aggressively investigate suspected violations of law. Officers shall actively enforce state and local laws in a responsible and professional manner, without bias. Officers are strictly prohibited from engaging in bias based profiling as defined in this policy. This policy shall be applicable to all persons, whether drivers, passengers or pedestrians, traffic and field contacts. [1.2.9a]

Officers shall conduct themselves in a dignified and respectful manner at all times when dealing with the public. Two of the fundamental rights guaranteed by both the United States and Texas constitutions are equal protection under the law and freedom from unreasonable searches and seizures by government agents. The right of all persons to be treated equally and to be free from unreasonable searches and seizures must be respected. Racial profiling is an unacceptable patrol tactic and will not be condoned.

This policy shall not preclude officers from offering assistance, such as upon observing a substance leaking from a vehicle, a flat tire, or someone who appears to be ill, lost or confused. Nor does this policy prohibit stopping someone suspected of a crime based upon observed actions and/or information received about the person.

6.20.03 DEFINITIONS.

- A. BIAS BASED PROFILING – A law enforcement-initiated action based solely on a trait common to a group.
 - 1. The Frisco Police Department is prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted by the City of Frisco. Remedies and complaint filing deadlines vary by program or incident.

Attachment C (continued)

Frisco Police Department General Order 6.20
Revised: June 4, 2018

2. Bias based profiling pertains to persons who are viewed as suspects or potential suspects of criminal behavior. The term is not relevant as it pertains to witnesses, complainants or other citizen contacts.
 3. The prohibition against bias based profiling does not preclude the use of 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. Detaining an individual and conducting an inquiry into that person's activities simply because of that individual's race, ethnicity or national origin is racial profiling.
 4. Examples of bias based profiling include but are not limited to the following:
 - a. Citing a driver who is speeding in a stream of traffic where most other drivers are speeding because of the cited driver's race, ethnicity or national origin.
 - b. Detaining the driver of a vehicle 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.
 - c. Detaining an individual based upon the determination that a person of that race, ethnicity or national origin does not belong in a specific part of town or a specific place.
 5. A law enforcement agency can derive two principles from the adoption of this definition of bias based profiling:
 - a. Police may not use bias as a factor in selecting whom to stop and search, while police may use race in conjunction with other known factors of the suspect.
 - b. Law enforcement officers may not use bias as a factor in selecting whom to stop and search. Bias based profiling is not relevant as it pertains to witnesses, etc.
- B. RACE OR ETHNICITY – Of a particular descent, including but not limited to Caucasian, African, Hispanic, Asian, Native American, or Middle Eastern.
- C. MOTOR VEHICLE STOP – A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance regulating traffic.

6.20.04 TRAINING.

All affected personnel will receive initial training and subsequent annual retraining on bias based issues including legal aspects. [1.2.9b]

6.20.05 COMPLAINT INVESTIGATION.

- A. 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.
- B. Any employee who receives an allegation of bias based profiling, including the officer who initiated the stop, shall record the person's name, address and telephone number, and forward the complaint through the appropriate channel or direct the individual(s) to a supervisor. Any employee contacted shall provide to that person a copy of a complaint form or the department process for filing a

Attachment C (continued)

Frisco Police Department General Order 6.20
Revised: June 4, 2018

complaint. All employees will report any allegation of bias based to their superior before the end of their shift.

- C. Investigation of a complaint shall be conducted in a thorough and timely manner and in accordance with G. O. 3.05 Professional Standards.
- D. If there is a departmental video or audio recording of the events upon which a complaint of bias based profiling is related to, upon commencement of an investigation by this department into the complaint and written request of the officer made the subject of the complaint, this department shall promptly provide a copy of the recording to that officer.

6.20.06 PUBLIC EDUCATION.

This department will inform the public of its policy against bias based profiling and the complaint process. Methods that may be utilized to inform the public are the news media, radio, service or civic presentations, the Internet, Department Social Media, as well as governing board meetings. Additionally, information will be made available as appropriate in languages other than English.

6.20.07 USE OF VIDEO AND AUDIO EQUIPMENT.

- A. Each motor vehicle regularly used by this department to make traffic and pedestrian stops is equipped with a video camera and transmitter-activated equipment, and each motorcycle regularly used by this department to make traffic and pedestrian stops is equipped with recording equipment; and
- B. Each motor vehicle and pedestrian stop made by an officer of this department that is capable of being recorded by video and audio, is recorded.
- C. This department shall retain the video of each motor vehicle and pedestrian stop for at least ninety (90) days after the date of the stop. If a complaint is filed with this department alleging that one of our officers has engaged in bias based profiling with respect to a traffic or pedestrian stop, this department shall retain the video of the stop until final disposition of the complaint.
- D. Supervisors will ensure officers of this department are recording their motor vehicle and pedestrian stops. A recording of each officer will be reviewed at least once every ninety (90) days.
- E. If the equipment used to record audio and/or video of motor vehicle or pedestrian stops is malfunctioning or otherwise not operable, the officer making the stop may properly record and report the information as required in 6.20.08.
- F. In circumstances where an Officer's video and audio equipment is not functioning or not available officers are still required to collect the required bias based profiling data. This can be accomplished by communicating the data to dispatch at a later time, filling out a motor vehicle data collection form and submitting it, or the officer himself enters the required data via the MDC as soon as practical after the stop is completed.

6.20.08 REQUIRED BIASED BASED PROFILING DATA TO BE COLLECTED.

Officers should collect all of the required biased based profiling data as outlined in the Texas Code of Criminal Procedure Section 2.133.

6.20.09 REPORTING DATA.

Not later than March 1st of each year, the department shall submit a report to their governing board that includes the information gathered by the citations. The report will include for motor vehicle operators only:

Attachment C (continued)

Frisco Police Department General Order 6.20
Revised: June 4, 2018

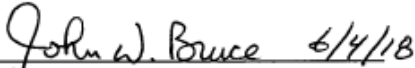
1. A breakdown of citations by race or ethnicity;
2. a breakdown of whether race/ethnicity was known prior to a motor vehicle stop;
3. a breakdown of initial reasons for motor vehicle stop;
4. number of citations that resulted in a search;
5. number of searches that were consensual; and
6. number of citations that resulted in custodial arrest for this cited violation or any other violation.

6.20.10 ANNUAL REVIEW. [1.2.9c]

A documented annual administrative review, of the above reporting data to include complaints, will be submitted to the Chief of Police. This report will be created out of the office of the Chief of Police. This report will review agency practices, including citizen concerns and any corrective measures taken.

6.20.11 PRIOR ORDERS.

From and after the effective date of issuance of this order, it shall be in full force and shall govern the operations of this department with regard to its subject matter. Former orders, policies, directives and memoranda relating to the subject matter are hereby specifically revoked and they shall be of no force and effect from and after the date of issuance of this order.



John W. Bruce 6/4/18
Chief of Police Date