

PUBLIC SAFETY COMMITTEE  
DALLAS CITY COUNCIL COMMITTEE AGENDA

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CITY SECRETARY  
DALLAS, TEXAS

MONDAY, FEBRUARY 13, 2017  
CITY HALL  
COUNCIL BRIEFING ROOM, 6ES  
1500 MARILLA  
DALLAS, TEXAS 75201  
11:00 A.M. – 12:30 P.M.

**Chair**, Council Member Adam Medrano  
**Vice Chair**, Council Member B. Adam McGough  
Council Member Sandy Greyson  
Council Member Tiffinni A. Young  
Council Member Jennifer S. Gates  
Council Member Philip T. Kingston

Call to Order

1. Approval of Minutes from the January 23, 2017 Public Safety Committee Meeting
2. Dallas Police Department  
Crime Report  
Interim Police Chief David Pughes  
Dallas Police Department
3. Security Alarm Permitting and  
False Call Management System  
**(Action Item)**  
Sheila Delgado, Assistant Director  
Dallas Water Utilities Department  
  
Cornell Perry, Assistant Director  
Communication & Information Services  
  
Deputy Chief Jesse Reyes  
Dallas Police Department
4. DCA 156-004  
Tobacco & Paraphernalia Shops  
**(Action Item)**  
David Cossum, Director  
Sustainable Development & Construction  
  
Deputy Chief Gilberto Garza  
Dallas Police Department
5. Exchange Zones  
**(Action Item)**  
Assistant Chief Paul Stokes  
Dallas Police Department  
  
Major Paulette Richardson  
Dallas Police Department
6. Administrative Report – 2016 Dallas Police  
Department Annual Traffic Contact Data Report  
*(For Information Only)*  
Major William Griffith  
Dallas Police Department
7. Administrative Report – 2016 Marshal's Office  
Annual Traffic Contact Data Report  
*(For Information Only)*  
Paul Hansen, Chief Deputy Marshal  
Court & Detention Services

8. Administrative (Police) Reports  
Major William Griffith  
Dallas Police Department
- A. Control #2017-014  
B. 2015-180-2

9. Upcoming Agenda Item(s)

**February 22, 2017**

- A. *Draft* Agenda Item: Authorize a five-year service contract, with two one-year renewal options, for the processing of applications and renewals of security alarm permits and the collection of fees associated with the security alarm permits and false alarms - Public Safety Corporation, most advantageous proposer of two
- B. *Draft* Agenda Item: Authorize a three-year master agreement for animal bedding for Police horses – S-4 Quality Shavings, LLC, lowest responsible bidder of two
- C. *Draft* Agenda Item: Authorize (1) an application for and acceptance of the Dallas July 7 Overtime Reimbursement Grant from the U.S. Department of Justice through the Office of the Governor, Criminal Justice Division for the response to events on July 7, 2016, for the period July 7, 2016 through March 31, 2017; and (2) execution of the grant agreement
- D. *Draft* Agenda Item: Authorize the purchase of ballistic door panels for Police - Angel Armor, LLC

**Addendum Item(s)**

- E. *Draft* Addendum Item: Authorize an Interlocal Agreement with Richardson Independent School District (RISD) for the provision of police services by the City in the RISD's Lake Highlands High School and junior high schools within the limit of both the City and RISD Schools

**March 22, 2017**

- F. *Draft* Agenda Item: Authorize an increase to the master agreement with Taser International in the amount of \$320,891, from \$1,283,564 to \$1,604,455 for Taser Electronic Control Weapons and accessories for Police

Adjourn



Adam Medrano, Chair  
Public Safety Committee

A closed executive session may be held if the discussion of any of the above agenda items concerns one of the following:

1. Contemplated or pending litigation, or matters where legal advice is requested of the City Attorney. Section 551.071 of the Texas Open Meetings Act.
2. The purchase, exchange, lease or value of real property, if the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. Section 551.072 of the Texas Open Meetings Act.
3. A contract for a prospective gift or donation to the City, if the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. Section 551.073 of the Texas Open Meetings Act.
4. Personnel matters involving the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee or to hear a complaint against an officer or employee. Section 551.074 of the Texas Open Meetings Act.
5. The deployment, or specific occasions for implementation of security personnel or devices. Section 551.076 of the Texas Open Meetings Act.
6. Deliberations regarding economic development negotiations. Section 551.087 of the Texas Open Meetings Act.

**NOTICE: Handgun Prohibition Notice for Meetings of Governmental Entities**

"Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun."

"De acuerdo con la sección 30.06 del código penal (ingreso sin autorización de un titular de una licencia con una pistola oculta), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola oculta."

"Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly."

"De acuerdo con la sección 30.07 del código penal (ingreso sin autorización de un titular de una licencia con una pistola a la vista), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola a la vista."

# Public Safety Committee Meeting Record

**Meeting Date:** Monday, January 23, 2017

**Convened:** 11:07 A.M. **Adjourned:** 11:43 A.M.

**Committee Members Present:**

Council Member Adam Medrano, Chair  
Council Member B. Adam McGough, Vice Chair  
Council Member Sandy Greyson  
Council Member Tiffinni A. Young  
Council Member Jennifer S. Gates

**Committee Members Absent:**

Council Member Philip T. Kingston

**Other Council Members Present:**

**Staff Present:**

Assistant City Manager Eric D. Campbell, CMO  
Fire Chief David Coatney, DFR  
Executive Assistant Chief Fernando Gray, DFR  
Captain James Russ, DFR

Assistant Chief Daniel Salazar, DFR  
Deputy Chief Tameji Berry, DFR  
Assistant Chief Ted Padgett, DFR

**AGENDA:**

**Call to Order**

**1. Approval of Minutes from the January 9, 2017 Public Safety Committee Meeting**

**Presenter(s):** Council Member Medrano, Chair

**Information Only:**

**Action Taken/Committee Recommendation(s):**

A motion was made to approve the January 9, 2017 minutes.

**Motion made by:** Council Member Greyson

**Item passed unanimously:**

**Item failed unanimously:**

**Motion Seconded by:** Council Member Gates

**Item passed on a divided vote:**

**Item failed on a divided vote:**

**2. Dallas Fire-Rescue Adopt A School Program**

**Presenter(s):** Captain James Russ, DFR

**Information Only:**

**Action Taken/Committee Recommendation(s):**

This briefing provided the committee with an overview of the DFR Department's Adopt A School Program. CM Greyson requested a list of schools that are in the program.

**Motion made by:**

**Item passed unanimously:**

**Item failed unanimously:**

**Motion Seconded by:**

**Item passed on a divided vote:**

**Item failed on a divided vote:**

**3. Dallas Fire-Rescue After the Fire Assistance Brochure**

**Presenter(s):** Assistant Chief Daniel Salazar, DFR

**Information Only:**

**Action Taken/Committee Recommendation(s):**

This briefing provided the committee with information on the DFR Department's After the Fire Assistance Brochure.

**Motion made by:**

**Item passed unanimously:**

**Item failed unanimously:**

**Motion Seconded by:**

**Item passed on a divided vote:**

**Item failed on a divided vote:**

**4. Administrative (Fire) Reports**

**Presenter(s):** Deputy Chief Tameji Berry, DFR

**Information Only:**

**Action Taken/Committee Recommendation(s):**

An informational memo was provided to the committee regarding fire incidents during the period of November 15, 2016 – December 12, 2016.

**Motion made by:**

**Item passed unanimously:**

**Item failed unanimously:**

**Motion Seconded by:**

**Item passed on a divided vote:**

**Item failed on a divided vote:**

**5. Upcoming Agenda Item(s)**

**Presenter(s):** Council Member Medrano, Chair

**Information Only:**

**Action Taken/Committee Recommendation(s):**

A motion was made to move forward to full council for approval.

**Motion made by:** Council Member Young

**Item passed unanimously:**

**Item failed unanimously:**

**Motion Seconded by:** Council Member Greyson

**Item passed on a divided vote:**

**Item failed on a divided vote:**

**APPROVED BY:**

**ATTEST:**

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Adam Medrano, Chair  
Public Safety Committee

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Crystal Lee, Coordinator  
Public Safety Committee

# Memorandum



DATE: February 10, 2017

TO: Honorable Members of the Public Safety Committee:  
Adam Medrano (Chair), B. Adam McGough (Vice Chair), Sandy Greyson, Tiffinni A. Young,  
Jennifer S. Gates, Philip T. Kingston

SUBJECT: **Dallas Police Department Crime Report**

On Monday, February 13, 2017, you will be briefed on the Dallas Police Department's Crime Report by Interim Police Chief David Pughes. The briefing materials are attached for your review.

Please contact me if you have any questions or need additional information.



Eric D. Campbell  
Assistant City Manager

[Attachment]

cc: Honorable Mayor and Members of the City Council  
T.C. Broadnax, City Manager  
Larry Casto, City Attorney  
Craig D. Kinton, City Auditor  
Rosa A. Rios, City Secretary  
Daniel F. Solis, Administrative Judge  
Mark McDaniel, Acting First Assistant City Manager

Jill A. Jordan, P.E., Assistant City Manager  
Joey Zapata, Assistant City Manager  
M. Elizabeth Reich, Chief Financial Officer  
Sana Syed, Public Information Officer  
Elsa Cantu, Assistant to the City Manager – Mayor & Council  
Directors and Assistant Directors



# Dallas Police Department Crime Report

Public Safety Committee  
February 13, 2017



# Year to Date Crime Report

January 1 – February 8, 2017

City Total				
Offense	YTD	YTD Last Year	Count DIFF	% Change
Murder	18	17	1	5.88%
Sexual Assault	53	78	-25	-32.05%
Agg Assault NFV	382	281	101	35.94%
Agg Assault FV	185	168	17	10.12%
Robbery Business	104	110	-6	-5.45%
Robbery Individual	403	429	-26	-6.06%
<b>Sub-Total</b>	<b>1,145</b>	<b>1,083</b>	<b>62</b>	<b>5.72%</b>
Burglary Business	366	327	39	11.93%
Burglary Residence	732	789	-57	-7.22%
Shoplift	223	273	-50	-18.32%
BMV/ Auto Acc	1542	1729	-187	-10.82%
Other Theft	749	785	-36	-4.59%
UUMV	822	784	38	4.85%
<b>Sub-Total</b>	<b>4,434</b>	<b>4,687</b>	<b>-253</b>	<b>-5.40%</b>
<b>Total</b>	<b>5,579</b>	<b>5,770</b>	<b>-191</b>	<b>-3.31%</b>



# Month to Date Crime Report

February 1 – February 8, 2017

City Total				
Offense	MTD	MTD Last Year	Count DIFF	% Change
Murder	4	4	0	0.00%
Sexual Assault	11	10	1	10.00%
Agg Assault NFV	132	55	77	140.00%
Agg Assault FV	45	33	12	36.36%
Robbery Business	18	14	4	28.57%
Robbery Individual	86	87	-1	-1.15%
<b>Sub-Total</b>	<b>296</b>	<b>203</b>	<b>93</b>	<b>45.81%</b>
Burglary Business	82	48	34	70.83%
Burglary Residence	139	167	-28	-16.77%
Shoplift	40	57	-17	-29.82%
BMV/ Auto Acc	307	335	-28	-8.36%
Other Theft	131	162	-31	-19.14%
UUMV	128	155	-27	-17.42%
<b>Sub-Total</b>	<b>827</b>	<b>924</b>	<b>-97</b>	<b>-10.50%</b>
<b>Total</b>	<b>1,123</b>	<b>1,127</b>	<b>-4</b>	<b>-0.35%</b>

# Response Times & Calls for Service

February 8, 2017

Year	Priority 1 Response Time	Priority 2 Response Time	Priority 3 Response Time	Priority 4 Response Time	Total Dispatched 911 Calls	Sworn Strength (Actual)
<b>2017(YTD)</b>	<b>7.99</b>	<b>20.29</b>	<b>54.96</b>	<b>65.21</b>	<b>60,580</b>	<b>3,220</b>
2016	7.94	18.26	49.15	63.34	628,835	3,257
2015	8.09	19.59	65.18	89.27	606,541	3,480

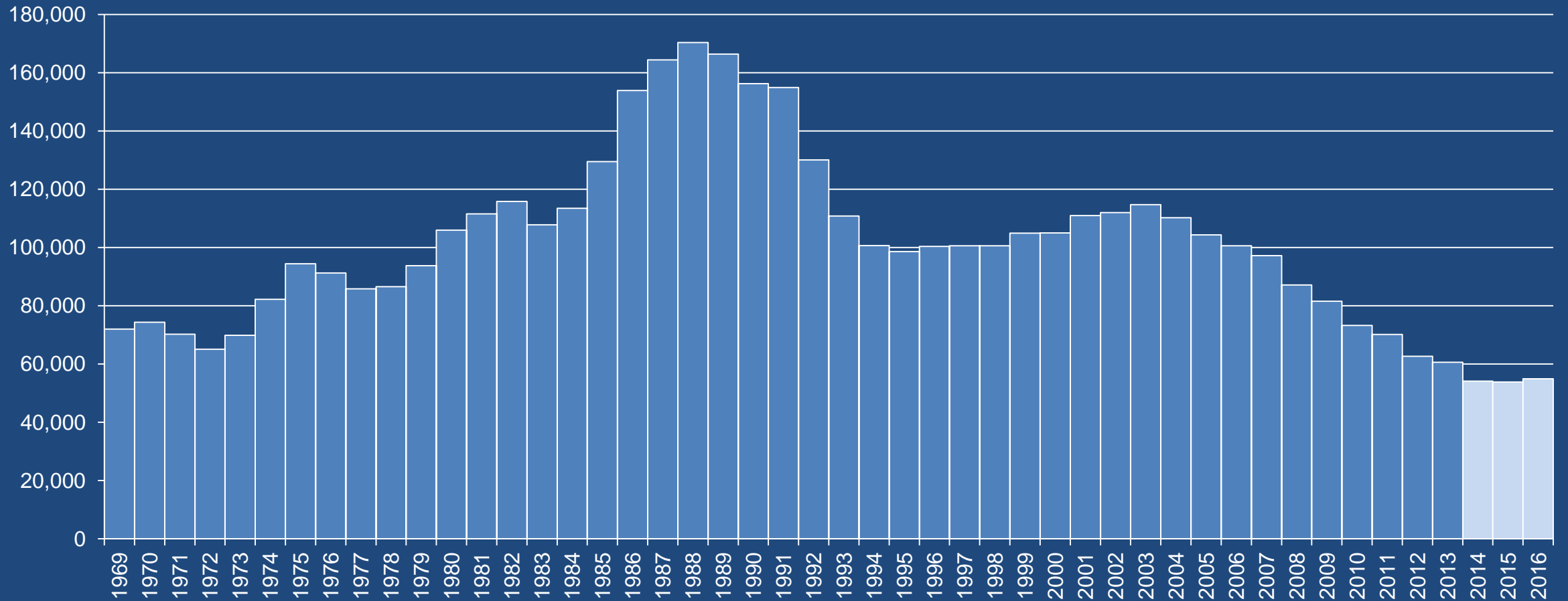
# Questions?

# Appendix

# Appendix A

# 2016

## 3<sup>rd</sup> Best Year Since 1969



## Appendix B

# Dallas Clearance Rates

<b>Offense</b>	<b>3 Year Average Clearance Rate</b>	<b>2016 Clearance Rate</b>
Murder	55%	49%
Sexual Assault	56%	59%
Robbery	17%	17%
Aggravated Assault	51%	51%
Burglary	5%	5%
Theft	11%	8%
Auto Theft	7%	9%

# Appendix C

# Nuisance Risk Abatement Activity

January 1, 2016 – January 31, 2017

2017			
Council District	Councilmember	Open Cases	Closed Cases
1	Griggs	3	0
2	Medrano	8	1
3	Thomas	5	1
4	King	20	2
5	Callahan	0	0
6	Alonzo	12	4
7	Young	35	19
8	Wilson	13	0
9	Clayton	6	0
10	McGough	10	0
11	Kleinman	5	0
12	Greyson	2	2
13	Gates	2	0
14	Kingston	3	1
Total		<b>124</b>	<b>30</b>

2016			
Council District	Councilmember	Open Cases	Closed Cases
1	Griggs	3	2
2	Medrano	8	10
3	Thomas	5	3
4	King	20	9
5	Callahan	0	0
6	Alonzo	11	8
7	Young	34	13
8	Wilson	13	5
9	Clayton	5	4
10	McGough	10	12
11	Kleinman	5	7
12	Greyson	2	4
13	Gates	2	4
14	Kingston	3	3
Total		<b>121</b>	<b>95</b>

# Appendix D

# Gang Offenses Investigated

January 1, 2014 – January 31, 2017

Council District	Councilmember	2014	2015	2016	2017(YTD)
1	Griggs	52	50	12	1
2	Medrano	52	65	8	5
3	Thomas	35	46	14	2
4	King	5	64	14	0
5	Callahan	39	99	33	4
6	Alonzo	40	64	24	3
7	Young	80	117	47	4
8	Wilson	67	64	22	0
9	Clayton	86	30	6	2
10	McGough	139	49	35	2
11	Kleinman	92	67	33	0
12	Greyson	175	4	6	12
13	Gates	117	42	8	0
14	Kingston	43	33	10	0
<b>Total</b>		<b>1,022</b>	<b>794</b>	<b>272</b>	<b>25</b>

**Note:** Gang Offenses are defined as involving any persons (complainant or suspect) who are listed in the Texas Gang database as a known Gang member.



# Memorandum



DATE: February 10, 2017

TO: Honorable Members of the Public Safety Committee:  
Adam Medrano (Chair), B. Adam McGough (Vice Chair), Sandy Greyson, Tiffinni A. Young,  
Jennifer S. Gates, Philip T. Kingston

SUBJECT: **Security Alarm Permitting and False Call Management System**

On Monday, February 13, 2017, you will be briefed on the Security Alarm Permitting and False Call Management System by Sheila Delgado, Assistant Director, Dallas Water Utilities Department; Cornell Perry, Assistant Director, Communication & Information Services; Deputy Chief Jesse Reyes, Dallas Police Department. The briefing materials are attached for your review.

Please contact me if you have any questions or need additional information.



Eric D. Campbell  
Assistant City Manager

[Attachment]

cc: Honorable Mayor and Members of the City Council  
T.C. Broadnax, City Manager  
Larry Casto, City Attorney  
Craig D. Kinton, City Auditor  
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Directors and Assistant Directors



# Security Alarm Permitting and False Call Management System

Public Safety Committee  
February 13, 2017

# Briefing Purpose

- To provide background on the Security Alarm Program and a Request for Competitive Sealed Proposal (RFCSP)
- Seek support of upcoming contract for a Security Alarm Permitting and False Call Management System

# Background

- As part of the FY 15-16 Budget Sunset Review, an opportunity was identified to evaluate collection practices related to security alarms permits and false alarm fees processing and collections
  - Leverage technologies to provide a customer-friendly, **self-service portal**, to assist customers, City staff, and alarm companies to more efficiently perform permit-related transactions
- Staff team [Dallas Police Department (DPD), Dallas Water Utilities (DWU), and Communication & Information Services (CIS)] developed the specifications – Summer/Fall 2015
- RFCSP - posted January 2016

# Background (cont.)

- Dallas Police Department (DPD) is responsible for enforcing code requirements related to alarms, communicating with alarm monitoring companies, and dispatching patrol units to alarm locations [Chapter 15C, Article 1]
- DPD Security Alarm Unit, in conjunction with the Special Collection Section of Dallas Water Utilities, process security alarm permit applications and collect related fees using paper-based and manual methods.

# Background (cont.)

- The City currently has approximately 63,000 active security alarm permits.
- Approximately 10% of security alarm permit applications/renewals are submitted in person at City Hall. All other applications are received via mail.
- Online Security Alarm Permit applications and renewals functionality does not currently exist.

# Business Objective

- Improve Customer Service for permit holders and security alarm companies by providing online access to all permit related activities: applications, renewals, payments, status inquiries
- On-line access will provide real-time processing of permit applications, renewals, and payments

# Procurement Results

- Team from DPD, DWU, CIS, City Controller's Office (CCO) and Business Development & Procurement Services (BDPS) evaluated the two submitted proposals
- Evaluation basis:

Criteria	Percentage
Capability, Credibility & Expertise	30%
Approach	30%
Revenue Value	40%

- The most advantageous proposer is: Public Safety Corporation (dba CryWolf)



# Public Safety Corporation (PSC) Hosted Solution

- PSC is the most advantageous proposer. Has been in the business for 17 years.
- Complete hosted false alarm management solution that tracks false alarms and provides users with ability to register and make online payments
- Proven integration with DPD's TriTech Computer Aided Dispatch (CAD) system: bi-directional data transfer to/from CAD
- Solution chosen by more than 280 agencies supporting more than 500 cities, counties and other municipalities throughout the United States and Canada

# PSC Hosted Solution (cont.)

Larger Clients in Texas	Other Larger Clients
Harris County	Honolulu, HI
Austin	State of Delaware
Montgomery County	Louisville, KY
Williamson County	Atlanta, GA
Plano	Omaha, NE
Laredo	New Orleans, LA
Irving	Wichita, KS

# PSC Hosted Solution (cont.)

- Dedicated to the City of Dallas:
  - Web portal for customers to apply/renew and pay for security alarm permits and/or false alarm fees
  - Lockbox service for applications/renewal and payments by mail
  - Toll free telephone number for payments and assistance
- Online access for alarm companies to obtain reports and certain limited information pertaining to their customers
- Online access for staff to obtain reports and any customer information needed for appeal hearings, etc.

# Revenue Impact

- Revenue sharing 90% to the City; 10% to vendor
  - No upfront costs. PSC will pay all bank and credit cards fees and mailing cost from their share.
  - City's Revenue History

Fiscal Year	Revenue
FY 12-13	\$4.36m
FY 13-14	\$4.46m
FY 14-15	\$4.25m
FY 15-16	\$4.30m

- Estimated Net Revenue = \$4.5M
  - Based on a 20% increase in permits, 20% reduction in false calls, and half-year of contract in place, less commission.

# Timeline

- Brief Public Safety Committee
  - February 13, 2017
- Seek Council Approval
  - February 22, 2017
- Full Implementation
  - Approximately 5 months

# Recommendation

- February 22, 2017 Council Agenda
  - Staff is seeking the support and recommendation from the Public Safety Committee to move the following upcoming agenda item forward to full Council for approval:

Authorize a five-year service contract, with two one-year renewal options, for the processing of applications and renewals of security alarm permits and the collection of fees associated with the security alarm permits and false alarms

# Memorandum



DATE: February 10, 2017

TO: Honorable Members of the Public Safety Committee:  
Adam Medrano (Chair), B. Adam McGough (Vice Chair), Sandy Greyson, Tiffinni A. Young,  
Jennifer S. Gates, Philip T. Kingston

SUBJECT: **DCA 156-004 Tobacco & Paraphernalia Shops**

On Monday, February 13, 2017, you will be updated on the DCA 156-004 Tobacco & Paraphernalia Shops by David Cossum, Director, Sustainable Development & Construction and Deputy Chief Gilberto Garza, Dallas Police Department. The briefing materials are attached for your review.

Please contact me if you have any questions or need additional information.



Eric D. Campbell  
Assistant City Manager

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# **DCA 156-004**

# **Tobacco & Paraphernalia Shops**

Public Safety Committee  
February 13, 2017

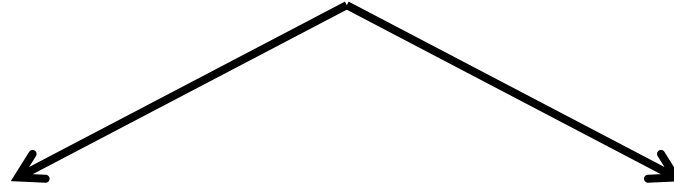




# Previous Briefings

- On February 8, 2016, the Dallas Police Department briefed the Public Safety Committee on the drug K2, paraphernalia shops, and related public safety issues.
- On April 11, 2016, the Public Safety Committee was briefed by the Sustainable Development & Construction Department, the Dallas Police Department, and the City Attorney's Office on ways to address these public safety issues – a two prong approach was introduced.

# 2-Prong Approach



Update Definitions in Chapter 12B Convenience Store Regulations



Create a Paraphernalia Shop Use in Chapter 51A, the Dallas Development Code



# Background

- On August 18 and September 1, 2016, the Zoning Ordinance Advisory Committee was briefed on the proposed amendment to Chapter 51A and on September 1, voted to forward the recommendation the City Plan Commission
- On October 6, 2016, the City Plan Commission recommended approval of ZOAC's recommendation
- Concurrently, the City Attorney's Office worked with DPD on proposed revisions to Chapter 12B – Convenience Stores

# Background

- Per Dallas City Code Chapter 31, “Offenses – Miscellaneous”, Illegal Smoking Paraphernalia means any equipment, device, or utensil that is used or intended to be used in ingesting, inhaling, or otherwise introducing into the human body an illegal smoking product.
- For zoning purposes, stores that sell paraphernalia (pipes and other accessories) typically operate with a certificate of occupancy for general merchandise or food store use.



# Issues

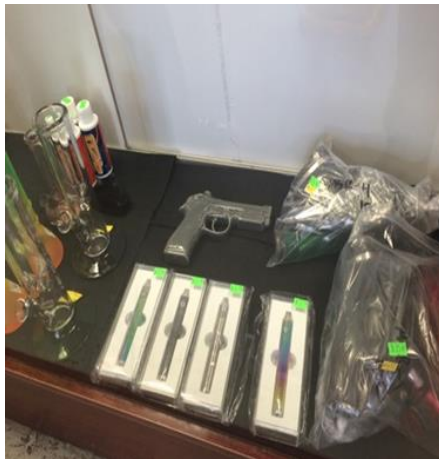
- Problems identified with general merchandise or food store uses that sell paraphernalia products include:
  - Illegal activities such as gambling (8-liners), K2 and other drug sales, trespassing, and prostitution
  - Lack of required registration (e.g., Chapter 12B requirements for convenience stores) makes it difficult for DPD to track stores selling paraphernalia





# Proposal – Chapter 51A

- **Create a Paraphernalia Shop Use:**
  - Definition: A Paraphernalia Shop is an establishment that displays or offers for sale paraphernalia, items, equipment, or products commonly used, or commonly known to be used, for the ingestion, inhalation, preparation, or injection of tobacco or illegal substances. For the purposes of this paragraph, rolling papers are not considered paraphernalia.



# Proposal – Chapter 51A

- **Where Permitted:**

- Buy SUP only in the CR Community Retail, RR Regional Retail, CS Commercial Service, Industrial districts (LI, IR, and IM), and in the Mixed Use districts (MU-1, MU-2, and MU-3)



# Proposal – Chapter 51A

- **Additional Provisions:**

- A paraphernalia shop may only be a main use that requires a certificate of occupancy. A paraphernalia shop may not be an accessory use within the meaning of Section 51A-4.217.
- The outside sale, display, or storage of products is prohibited.
- A paraphernalia shop may not have a drive-in, drive-through, or walk-up window.





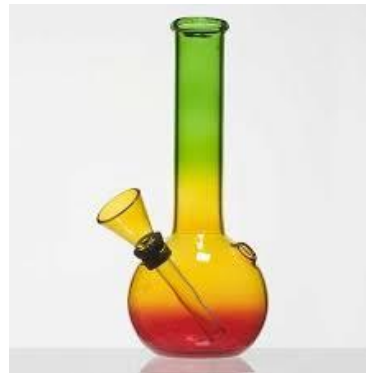
# Proposal – Chapter 51A

- **Additional Provisions:**

- A paraphernalia shop may not be located within 1,500 feet, measured from property line to property line, of any other paraphernalia shop.
- A paraphernalia shop may not be located within 1,000 feet, measured from property line to property line, of a lot in a residential district.
- A paraphernalia shop may not be located within 1,000 feet, measured from property line to property line, of a lot with a school.

# Affect on Existing Stores

- Existing stores with valid COs would fall under the regulations governing nonconforming uses [Dallas Development Code Sec. 51A-4.704]
- Existing stores with valid COs *that are a problem*: an application could be made to the Board of Adjustment to consider establishing a compliance date for an existing nonconforming store - Dallas Development Code Sec. 51A-4.704(a)(1)



# Affect on New Stores

- New stores that open after the effective date of the ordinance would require an SUP if any paraphernalia items, equipment, or products are sold and would have to meet distance and the other additional provisions



# Proposal – Chapter 12B

- The amendments to Chapter 12B (Convenience Stores) will:
  - Require Paraphernalia Shops, as defined by Chapter 51A, to register with the DPD annually
  - Allow DPD to conduct property inspections
  - Require Paraphernalia Shops to comply with other miscellaneous convenience store regulations:
    - Criminal trespass affidavits
    - Surveillance cameras
    - Alarm system
    - Drop safe
    - Security signs
    - Height markers
    - No trespassing signs
    - Visibility through all windows and public entrances, and
    - Employee safety training.

# Proposal – Chapter 12B

- The amendments to Chapter 12B (Convenience Stores) will:
  - Amend the definition of Convenience Store to exclude, Cigar Bars and Tobacco Shops
  - Amend the definition of Convenience Goods to include tobacco products and paraphernalia
- Note: Cigar Bar and Tobacco Shop are not defined uses in Chapter 51A. The definitions are taken from Dallas City Code Chapter 41
- Cigar Bars and Tobacco Shops may be general merchandise or food stores

# Proposal – Chapter 12B

- The amendments to Chapter 12B (Convenience Stores) will add the following definitions:
  - Cigar Bar – a bar that derives 15 percent or more of its gross revenue on a quarterly basis from the sale or rental of tobacco, tobacco products, or smoking accessories for on-premise consumption (same as Dallas City Code – Ch. 41)
  - Paraphernalia – any device, equipment, or utensil that is commonly used, or commonly know to be used, for the ingestion, inhalation, preparation, or injection of tobacco products or illegal substances. For purposes of this chapter, rolling papers, are not considered paraphernalia.
  - Tobacco Shop – a retail or service establishment that derives 90 percent or more of its gross revenue on a quarterly basis from the sale of tobacco, or tobacco products.

# Recommendation

- Staff is seeking the support and recommendation from the Public Safety Committee to move the two code amendment proposals forward to full Council for approval on the March 22, 2017 Council Agenda.

# Questions?



ORDINANCE NO. \_\_\_\_\_

An ordinance amending Chapter 12B, “Convenience Stores,” of the Dallas City Code by amending Sections 12B-2, 12B-4, 12B-7, and 12B-20; providing new and updated definitions; providing notice to be given via electronic mail; deleting the form of business requirement on the application; deleting the provision that requires the posting of the trespass affidavit; providing a penalty not to exceed \$500; providing a saving clause; providing a severability clause; and providing an effective date. Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Section 12B-2, “Definitions,” of Article I, “General Provisions,” of Chapter 12B, “Convenience Stores,” of the Dallas City Code is amended to read as follows:

**“SEC. 12B-2. DEFINITIONS.**

In this chapter:

(1) CERTIFICATE OF REGISTRATION means a certificate of registration issued by the chief under this chapter to the owner or operator of a convenience store.

(2) CHIEF means the chief of the police department of the city or the chief’s authorized representative.

(3) CIGAR BAR means a bar that derives 15 percent or more of its gross revenue on a quarterly (three-month) basis from the sale or rental of tobacco, tobacco products, or smoking accessories for on-premises consumption.

(4) CONVENIENCE GOODS means basic food, household, tobacco products, paraphernalia, and pharmaceutical items.

(~~5~~[4]) CONVENIENCE STORE means any business that is primarily engaged in the retail sale of convenience goods, or both convenience goods and gasoline, and has less than 10,000 square feet of retail floor space. A convenience store [~~The term~~] does not include a cigar bar, a tobacco shop, or any business that has no retail floor space accessible to the public.

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(6[5]) DROP SAFE means a cash management device in which money can be deposited without the depositor having access to the contents.

(7[6]) EMPLOYEE means any person listed on the payroll of a convenience store as an employee, whether part-time, full-time, permanent, or temporary. The term does not include a person providing only janitorial or security services to the convenience store.

(8[7]) HEIGHT MARKER means a measuring strip that may be attached on or near a door frame of a convenience store to aid in identifying the height of a person suspected of committing a crime.

(9[8]) MANAGER means the person designated in the registration application filed under this chapter as being responsible for the daily operation of a convenience store.

(10) PARAPHERNALIA means any device, equipment, or utensil that is commonly used, or commonly known to be used, for the ingestion, inhalation, preparation, or injection of tobacco products or illegal substances. For purposes of this chapter, rolling papers are not considered paraphernalia.

(11[9]) PERSON means any individual, corporation, organization, partnership, association, or any other legal entity.

(12[10]) REGISTERED AGENT means the person identified in the registration application filed under this chapter who is authorized to receive on behalf of the convenience store any legal process or notice required or provided for in this chapter.

(13[11]) REGISTRANT means a person issued a certificate of registration for a convenience store under this chapter and includes all owners, ~~and~~ operators or the person in the care, custody, or control of the convenience store ~~[identified in the registration application filed under this chapter]~~.

(14) TOBACCO SHOP means a retail or service establishment that derives 90 percent or more of its gross revenue on a quarterly (three-month) basis from the sale of tobacco or tobacco products.

SECTION 2. That Section 12B-4, "Delivery of Notices," of Article I, "General Provisions," of Chapter 12B, "Convenience Stores," of the Dallas City Code is amended to read as follows:

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**“SEC. 12B-4. DELIVERY OF NOTICES.**

Any written notice that the chief is required to give a [an applicant or] registrant under this chapter is deemed to be delivered:

(1) on the date the notice is hand delivered to the [applicant or] registrant or the [applicant or] registrant’s registered agent; or

(2) three days after the date the notice is placed in the United States mail with proper postage and properly addressed to the [applicant or] registrant or the [applicant or] registrant’s registered agent at the address provided for the [applicant or] registrant or the registered agent in the most recent registration application.

(3) on the date the notice is sent electronically to the electronic mailing address of the registrant listed on the application.”

SECTION 3. That Subsection (a) of Section 12B-7, “Registration Application,” of Article II, “Registration of Convenience Stores,” of Chapter 12B, “Convenience Stores,” of the Dallas City Code is amended to read as follows:

“(a) To obtain a certificate of registration for a convenience store, a person must submit an application on a form provided for that purpose to the chief. The applicant must be the person who will own or operate the convenience store. The application must contain all of the following information:

(1) The name, street address, mailing address, electronic mailing address, and telephone number of the applicant.

(2) The name, street address, mailing address, facsimile number, and telephone number of the convenience store.

(3) The names, street addresses, mailing addresses, electronic mailing addresses, and telephone numbers of all owners of the convenience store and any lien holders and other persons with a financial interest in the convenience store, and the nature and extent of each person’s interest in the convenience store.

(4) The name, street address, mailing address, electronic mailing address, and telephone number of the manager of the convenience store.

(5) The name, street address, mailing address, electronic mailing address, and telephone number of a person or persons who can be contacted 24 hours a day, seven days a week, in the event of an emergency condition involving the convenience store.

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(6) The name, street address, mailing address, electronic mailing address, and telephone number of the registered agent for the convenience store.

(7) A statement that the applicant understands that notices may be issued and delivered to the registrant via hand delivery, United States mail, or electronic mail in accordance with Section 12B-4. ~~[The form of business of the applicant (and owner, if different from the applicant); the name, street address, mailing address, and telephone number of a high managerial agent of the business, and, if the business is a corporation or association, a copy of the documents establishing the business.]~~

(8) The total area in square feet of the convenience store.

(9) Such additional information as the applicant desires to include or that the chief deems necessary to aid in the determination of whether the requested certificate of registration should be granted.”

SECTION 4. That Article II, “Miscellaneous Requirements for Convenience Stores,” of Chapter 12B, “Convenience Stores,” of the Dallas City Code is retitled, “Safety Requirements for Convenience Stores.”

SECTION 5. That Section 12B-20, “Trespass Affidavits,” of Article II, “Safety Requirements for Convenience Stores,” of Chapter 12B, “Convenience Stores,” of the Dallas City Code is amended to read as follows:

**“SEC. 12B-20. TRESPASS AFFIDAVITS.**

~~[(a)]~~ A registrant shall execute a trespass affidavit, on a form provided by the chief for that purpose, that authorizes the police department to enforce, on behalf of the registrant, all applicable trespass laws on the premises of the convenience store.

~~[(b) A true and correct copy of the trespass affidavit must be posted at the convenience store in a manner and location so that it is clearly visible to the public at all times.]”~~

SECTION 6. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$500.

SECTION 7. That Chapter 12B of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 8. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

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SECTION 9. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

CHRISTOPHER D. BOWERS, Interim City Attorney

By \_\_\_\_\_  
Assistant City Attorney

Passed \_\_\_\_\_

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1-30-17

ORDINANCE NO. \_\_\_\_\_

An ordinance amending Chapter 51, “Dallas Development Code: Ordinance No. 10962, as amended,” and Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code by amending Sections 51-4.211 and 51A-4.210; creating a new paraphernalia shop land use; providing appropriate standards for paraphernalia shops; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding this amendment to the Dallas City Code; Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Section 51-4.211, “Retail Uses,” of Division 51-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51, “Dallas Development Code: Ordinance No. 10962, as amended,” of the Dallas City Code is amended by adding a new Paragraph (23), “Paraphernalia Shops,” to read as follows:

“(23) Paraphernalia shop.

(A) Definition: An establishment that displays or offers for sale paraphernalia, items, equipment, or products commonly used, or commonly known to be used, for the ingestion, inhalation, preparation, or injection of tobacco or illegal substances. For purposes of this paragraph, rolling papers are not considered paraphernalia.

(B) Districts permitted: By SUP only in SC, GR, LC, HC, I-1, I-2, and I-3.

(C) Required off-street parking: One space per 200 square feet of floor area.

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(D) Required off-street loading: One space.

(E) Additional provisions:

(i) A paraphernalia shop may not be located within 1,500 feet, measured from property line to property line, of any other paraphernalia shop.

(ii) A paraphernalia shop may not be located within 1,000 feet, measured from property line to property line, of a lot in a residential district.

(iii) A paraphernalia shop may not be located within 1,000 feet, measured from property line to property line, of a lot with a school.

(iv) A paraphernalia shop may not have a drive-in or drive-through or walk-up window.

(v) The outside sale, display, or storage of products is prohibited.

(vi) A paraphernalia shop may only be a main use that requires a certificate of occupancy. A paraphernalia shop may not be an accessory use within the meaning of Section 51-4.217.”

SECTION 2. That Subparagraph (J), “Retail and Personal Service Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (b), “Community Retail (CR) District,” of Section 51A-4.122, “Retail Districts,” of Division 51A-4.100, “Establishment of Zoning Districts,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended by adding a new Paragraph (21.1), “Paraphernalia Shops,” to read as follows:

“(J) Retail and personal service uses.

-- Alcoholic beverage establishments. *[See Section 51A-4.210(b)(4).]*

-- Ambulance service. *[RAR]*

-- Animal shelter or clinic without outside runs. *[RAR]*

-- Auto service center. *[RAR]*

-- Business school.

-- Car wash. *[DIR]*

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- Commercial amusement (inside). *[SUP may be required. See Section 51A-4.210(b)(7)(B).]*
- Commercial amusement (outside). *[SUP]*
- Commercial parking lot or garage. *[RAR]*
- Convenience store with drive-through. *[SUP]*
- Dry cleaning or laundry store.
- Furniture store.
- General merchandise or food store 3,500 square feet or less.
- General merchandise or food store greater than 3,500 square feet.
- General merchandise or food store 100,000 square feet or more. *[SUP]*
- Home improvement center, lumber, brick or building materials sales yard. *[DIR]*
- Household equipment and appliance repair.
- Liquor store.
- Mortuary, funeral home, or commercial wedding chapel.
- Motor vehicle fueling station.
- Nursery, garden shop, or plant sales.
- Paraphernalia shop. *[SUP]*
- Pawn shop.
- Personal service uses.
- Restaurant without drive-in or drive-through service. *[RAR]*
- Restaurant with drive-in or drive-through service. *[DIR]*
- Swap or buy shop. *[SUP]*
- Temporary retail use.
- Theater.”

SECTION 3. That Subparagraph (J), “Retail and Personal Service Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (c), “Regional Retail (RR) District,” of Section 51A-4.122, “Retail Districts,” of Division 51A-4.100, “Establishment of Zoning Districts,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended by adding a new Paragraph (21.1), “Paraphernalia Shops,” to read as follows:

“(J) Retail and personal service uses.



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- Alcoholic beverage establishments. [*See Section 51A-4.210(b)(4).*]
- Ambulance service. [*RAR*]
- Animal shelter or clinic without outside runs. [*RAR*]
- Animal shelter or clinic with outside runs. [*SUP*]
- Auto service center. [*RAR*]
- Business school.
- Car wash. [*RAR*]
- Commercial amusement (inside). [*SUP may be required. See Section 51A-4.210(b)(7)(B).*]
- Commercial amusement (outside). [*SUP*]
- Commercial parking lot or garage. [*RAR*]
- Convenience store with drive-through. [*SUP*]
- Dry cleaning or laundry store.
- Furniture store.
- General merchandise or food store 3,500 square feet or less.
- General merchandise or food store greater than 3,500 square feet.
- General merchandise or food store 100,000 square feet or more.
- Home improvement center, lumber, brick or building materials sales yard. [*RAR*]
- Household equipment and appliance repair.
- Liquor store.
- Mortuary, funeral home, or commercial wedding chapel.
- Motor vehicle fueling station.
- Nursery, garden shop, or plant sales.
- Outside sales. [*SUP*]
- Paraphernalia shop. [*SUP*]
- Pawn shop.
- Personal service uses.
- Restaurant without drive-in or drive-through service. [*RAR*]
- Restaurant with drive-in or drive-through service. [*DIR*]
- Swap or buy shop. [*SUP*]
- Temporary retail use.
- Theater.
- Vehicle display, sales, and service. [*RAR*]

SECTION 4. That Subparagraph (J), “Retail and Personal Service Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (a), “Commercial Service (CS) District,” of Section 51A-4.123, “Commercial Service and Industrial Districts,” of Division 51A-4.100,

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“Establishment of Zoning Districts,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended by adding a new Paragraph (21.1), “Paraphernalia Shops,” to read as follows:

“(J) Retail and personal service uses.

- Alcoholic beverage establishments. *[See Section 51A-4.210(b)(4).]*
- Ambulance service. *[RAR]*
- Animal shelter or clinic without outside runs. *[RAR]*
- Animal shelter or clinic with outside runs. *[SUP may be required. See Section 51A-4.210(b)(2).]*
- Auto service center. *[RAR]*
- Business school.
- Car wash. *[RAR]*
- Commercial amusement (inside). *[SUP may be required. See Section 51A-4.210(b)(7)(B).]*
- Commercial amusement (outside). *[DIR]*
- Commercial motor vehicle parking. *[By SUP only if within 500 feet of a residential district.]*
- Commercial parking lot or garage. *[RAR]*
- Convenience store with drive-through. *[SUP]*
- Drive-in theater. *[SUP]*
- Dry cleaning or laundry store.
- Furniture store.
- General merchandise or food store 3,500 square feet or less.
- General merchandise or food store greater than 3,500 square feet.
- General merchandise or food store 100,000 square feet or more. *[SUP]*
- Home improvement center, lumber, brick or building materials sales yard. *[RAR]*
- Household equipment and appliance repair.
- Liquefied natural gas fueling station. *[SUP]*
- Liquor store.
- Mortuary, funeral home, or commercial wedding chapel.
- Motor vehicle fueling station.
- Nursery, garden shop, or plant sales.
- Outside sales. *[SUP]*
- Paraphernalia shop. *[SUP]*
- Pawn shop.
- Personal service uses.

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- Restaurant without drive-in or drive-through service. *[RAR]*
- Restaurant with drive-in or drive-through service. *[DIR]*
- Swap or buy shop. *[SUP]*
- Taxidermist.
- Temporary retail use.
- Theater.
- Truck stop. *[SUP]*
- Vehicle display, sales, and service. *[RAR]*

SECTION 5. That Subparagraph (J), “Retail and Personal Service Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (b), “Light Industrial (LI) District,” of Section 51A-4.123, “Commercial Service and Industrial Districts,” of Division 51A-4.100, “Establishment of Zoning Districts,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended by adding a new Paragraph (21.1), “Paraphernalia Shops,” to read as follows:

“(J) Retail and personal service uses.

- Alcoholic beverage establishments. *[See Section 51A-4.210(b)(4).]*
- Animal shelter or clinic without outside runs.
- Animal shelter or clinic with outside runs. *[SUP may be required. See Section 51A-4.210(b)(2).]*
- Auto service center. *[RAR]*
- Business school.
- Car wash. *[RAR]*
- Commercial amusement (inside). *[SUP may be required. See Section 51A-4.210(b)(7)(B).]*
- Commercial motor vehicle parking. *[By SUP only if within 500 feet of a residential district.]*
- Commercial parking lot or garage. *[RAR]*
- Dry cleaning or laundry store.
- Furniture store.
- General merchandise or food store 3,500 square feet or less.
- General merchandise or food store 100,000 square feet or more. *[SUP]*
- Home improvement center, lumber, brick or building materials sales yard. *[RAR]*
- Household equipment and appliance repair.

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- Liquefied natural gas fueling station. *[By SUP only if the use has more than four fuel pumps or is within 1,000 feet of a residential zoning district or a planned development district that allows residential uses.]*
- Motor vehicle fueling station.
- Paraphernalia shop. *[SUP]*
- Personal service uses.
- Restaurant without drive-in or drive-through service. *[RAR]*
- Restaurant with drive-in or drive-through service. *[DIR]*
- Taxidermist.
- Temporary retail use.
- Theater.
- Truck stop. *[SUP]*
- Vehicle display, sales, and service. *[RAR]*

SECTION 6. That Subparagraph (J), “Retail and Personal Service Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (c), “Industrial/Research (IR) District,” of Section 51A-4.123, “Commercial Service and Industrial Districts,” of Division 51A-4.100, “Establishment of Zoning Districts,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended by adding a new Paragraph (21.1), “Paraphernalia Shops,” to read as follows:

“(J) Retail and personal service uses.

- Alcoholic beverage establishments. *[See Section 51A-4.210(b)(4).]*
- Animal shelter or clinic without outside runs.
- Animal shelter or clinic with outside runs. *[SUP may be required. See Section 51A-4.210(b)(2).]*
- Auto service center. *[RAR]*
- Business school.
- Car wash. *[RAR]*
- Commercial amusement (inside). *[SUP may be required. See Section 51A-4.210(b)(7)(B).]*
- Commercial motor vehicle parking. *[By SUP only if within 500 feet of a residential district.]*
- Commercial parking lot or garage. *[RAR]*
- Convenience store with drive-through. *[SUP]*
- Dry cleaning or laundry store.
- Furniture store.

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- General merchandise or food store 3,500 square feet or less.
- Home improvement center, lumber, brick or building materials sales yard. *[RAR]*
- Household equipment and appliance repair.
- Liquefied natural gas fueling station. *[By SUP only if the use has more than four fuel pumps or is within 1,000 feet of a residential zoning district or a planned development district that allows residential uses.]*
- Motor vehicle fueling station.
- Paraphernalia shop. *[SUP]*
- Pawn shop.
- Personal service uses.
- Restaurant without drive-in or drive-through service. *[RAR]*
- Restaurant with drive-in or drive-through service. *[DIR]*
- Taxidermist.
- Temporary retail use.
- Theater.
- Truck stop. *[SUP]*
- Vehicle display, sales, and service. *[RAR]*

SECTION 7. That Subparagraph (J), “Retail and Personal Service Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (d), “Industrial Manufacturing (IM) District,” of Section 51A-4.123, “Commercial Service and Industrial Districts,” of Division 51A-4.100, “Establishment of Zoning Districts,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended by adding a new Paragraph (21.1), “Paraphernalia Shops,” to read as follows:

“(J) Retail and personal service uses.

- Alcoholic beverage establishments. *[See Section 51A-4.210(b)(4).]*
- Animal shelter or clinic without outside runs.
- Animal shelter or clinic with outside runs. *[SUP may be required. See Section 51A-4.210(b)(2).]*
- Auto service center. *[RAR]*
- Business school.
- Car wash. *[RAR]*
- Commercial amusement (inside). *[SUP may be required. See Section 51A-4.210(b)(7)(B).]*

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- Commercial motor vehicle parking. *[By SUP only if within 500 feet of a residential district.]*
- Commercial parking lot or garage. *[RAR]*
- Convenience store with drive-through. *[SUP]*
- Drive-in theater. *[SUP]*
- Dry cleaning or laundry store.
- Furniture store.
- General merchandise or food store 3,500 square feet or less.
- Home improvement center, lumber, brick or building materials sales yard. *[RAR]*
- Household equipment and appliance repair.
- Liquefied natural gas fueling station. *[By SUP only if the use has more than four fuel pumps or is within 1,000 feet of a residential zoning district or a planned development district that allows residential uses.]*
- Motor vehicle fueling station.
- Paraphernalia shop. *[SUP]*
- Pawn shop.
- Personal service uses.
- Restaurant without drive-in or drive-through service. *[RAR]*
- Restaurant with drive-in or drive-through service. *[DIR]*
- Taxidermist.
- Temporary retail use.
- Theater.
- Truck stop. *[SUP]*
- Vehicle display, sales, and service. *[RAR]*

SECTION 8. That Subparagraph (J), “Retail and Personal Service Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (d), “MU-1 and MU-1 (SAH) Districts,” of Section 51A-4.125, “Mixed Use Districts,” of Division 51A-4.100, “Establishment of Zoning Districts,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended by adding a new Paragraph (21.1), “Paraphernalia Shops,” to read as follows:

“(J) Retail and personal service uses.

- Alcoholic beverage establishments. *[See Section 51A-4.210(b)(4).]*
- Animal shelter or clinic without outside runs. *[RAR]*

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- Auto service center. [RAR]
- Business school.
- Car wash. [RAR]
- Commercial amusement (inside). [SUP may be required. See Section 51A-4.210(b)(7)(B).]
- Commercial amusement (outside). [SUP]
- Commercial parking lot or garage. [RAR]
- Dry cleaning or laundry store.
- Furniture store.
- General merchandise or food store 3,500 square feet or less.
- General merchandise or food store greater than 3,500 square feet.
- General merchandise or food store 100,000 square feet or more. [SUP]
- Mortuary, funeral home, or commercial wedding chapel.
- Motor vehicle fueling station.
- Nursery, garden shop, or plant sales.
- Paraphernalia shop. [SUP]
- Personal service uses.
- Restaurant without drive-in or drive-through service. [RAR]
- Restaurant with drive-in or drive-through service. [DIR]
- Swap or buy shop. [SUP]
- Temporary retail use.
- Theater.”

SECTION 9. That Subparagraph (J), “Retail and Personal Service Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (e), “MU-2 and MU-2 (SAH) Districts,” of Section 51A-4.125, “Mixed Use Districts,” of Division 51A-4.100, “Establishment of Zoning Districts,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended by adding a new Paragraph (21.1), “Paraphernalia Shops,” to read as follows:

“(J) Retail and personal service uses.

- Alcoholic beverage establishments. [See Section 51A-4.210(b)(4).]
- Animal shelter or clinic without outside runs. [RAR]
- Auto service center. [RAR]
- Business school.

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- Car wash. [RAR]
- Commercial amusement (inside). [SUP may be required. See Section 51A-4.210(b)(7)(B).]
- Commercial amusement (outside). [SUP]
- Commercial parking lot or garage. [RAR]
- Convenience store with drive-through. [SUP]
- Dry cleaning or laundry store.
- Furniture store.
- General merchandise or food store 3,500 square feet or less.
- General merchandise or food store greater than 3,500 square feet.
- General merchandise or food store 100,000 square feet or more. [SUP]
- Household equipment and appliance repair.
- Liquor store.
- Mortuary, funeral home, or commercial wedding chapel.
- Motor vehicle fueling station.
- Nursery, garden shop, or plant sales.
- Paraphernalia shop. [SUP]
- Personal service uses.
- Restaurant without drive-in or drive-through service. [RAR]
- Restaurant with drive-in or drive-through service. [DIR]
- Swap or buy shop. [SUP]
- Temporary retail use.
- Theater.”

SECTION 10. That Subparagraph (J), “Retail and Personal Service Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (f), “MU-3 and MU-3 (SAH) Districts,” of Section 51A-4.125, “Mixed Use Districts,” of Division 51A-4.100, “Establishment of Zoning Districts,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended by adding a new Paragraph (21.1), “Paraphernalia Shops,” to read as follows:

“(J) Retail and personal service uses.

- Alcoholic beverage establishments. [See Section 51A-4.210(b)(4).]
- Animal shelter or clinic without outside runs. [RAR]
- Auto service center. [RAR]



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- Business school.
- Car wash. [RAR]
- Commercial amusement (inside). [SUP may be required. See Section 51A-4.210(b)(7)(B).]
- Commercial amusement (outside). [SUP]
- Commercial parking lot or garage. [RAR]
- Convenience store with drive-through. [SUP]
- Dry cleaning or laundry store.
- Furniture store.
- General merchandise or food store 3,500 square feet or less.
- General merchandise or food store greater than 3,500 square feet.
- General merchandise or food store 100,000 square feet or more. [SUP]
- Household equipment and appliance repair.
- Liquor store.
- Mortuary, funeral home, or commercial wedding chapel.
- Motor vehicle fueling station.
- Nursery, garden shop, or plant sales.
- Paraphernalia shop. [SUP]
- Personal service uses.
- Restaurant without drive-in or drive-through service. [RAR]
- Restaurant with drive-in or drive-through service. [DIR]
- Swap or buy shop. [SUP]
- Temporary retail use.
- Theater.”

SECTION 11. That Subsection (b), “Specific Uses,” of Section 51A-4.210, “Retail and Personal Service Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended by adding a new Paragraph (21.1), “Paraphernalia Shops,” to read as follows:

“(21.1) Paraphernalia shop.

(A) Definition: An establishment that displays or offers for sale paraphernalia, items, equipment, or products commonly used, or commonly known to be used, for the ingestion, inhalation, preparation, or injection of tobacco or illegal substances. For purposes of this paragraph, rolling papers are not considered paraphernalia.

# DRAFT

(B) Districts permitted: By SUP only in CR, RR, CS, industrial, and mixed use districts.

(C) Required off-street parking: One space per 200 square feet of floor area.

(D) Required off-street loading: One space.

(E) Additional provisions:

(i) A paraphernalia shop may not be located within 1,500 feet, measured from property line to property line, of any other paraphernalia shop.

(ii) A paraphernalia shop may not be located within 1,000 feet, measured from property line to property line, of a lot in a residential district.

(iii) A paraphernalia shop may not be located within 1,000 feet, measured from property line to property line, of a lot with a school.

(iv) A paraphernalia shop may not have a drive-in or drive-through or walk-up window.

(v) The outside sale, display, or storage of products is prohibited.

(vi) A paraphernalia shop may only be a main use that requires a certificate of occupancy. A paraphernalia shop may not be an accessory use within the meaning of Section 51A-4.217.”

SECTION 12. That the director of sustainable development and construction shall revise the use charts to reflect the change in use regulations made by this ordinance, and shall provide these charts for publication in the Dallas Development Code.

SECTION 13. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 14. That Chapters 51 and 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 15. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

# DRAFT

SECTION 16. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

CHRISTOPHER D. BOWERS, Interim City Attorney

By \_\_\_\_\_  
Assistant City Attorney

Passed \_\_\_\_\_

# Memorandum



DATE: February 10, 2017

TO: Honorable Members of the Public Safety Committee:  
Adam Medrano (Chair), B. Adam McGough (Vice Chair), Sandy Greyson, Tiffinni A. Young,  
Jennifer S. Gates, Philip T. Kingston

SUBJECT: **Exchange Zones**

On Monday, February 13, 2017, you will be briefed on Exchange Zones by Assistant Chief Paul Stokes and Major Paulette Richardson, Dallas Police Department. The briefing materials are attached for your review.

Please contact me if you have any questions or need additional information.



Eric D. Campbell  
Assistant City Manager

[Attachment]

cc: Honorable Mayor and Members of the City Council  
T.C. Broadnax, City Manager  
Larry Casto, City Attorney  
Craig D. Kinton, City Auditor  
Rosa A. Rios, City Secretary  
Daniel F. Solis, Administrative Judge  
Mark McDaniel, Acting First Assistant City Manager

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Joey Zapata, Assistant City Manager  
M. Elizabeth Reich, Chief Financial Officer  
Sana Syed, Public Information Officer  
Elsa Cantu, Assistant to the City Manager – Mayor & Council  
Directors and Assistant Directors



# Exchange Zones

Public Safety Committee  
February 13, 2017



# Purpose

- To provide the Public Safety Committee information regarding Exchange Zones and seek feedback pertaining to its implementation.

# What are Exchange Zones?

- It has become common place for citizens to buy and sell items via the internet.
- Exchange Zones are designed to provide citizens a location to purchase/sell items from Craigslist, LetGo, OfferUp or other peer to peer applications.
- In situations where the buyer and seller are unfamiliar with each other, the use of an Exchange Zone location at a City of Dallas facility should be considered.
- As of date, the City of Dallas has no official designated Exchange Zone locations.

# Online Services Related to an Exchange of Property

Online social media sites related to an exchange of property where there has been a robbery or theft of person within the City of Dallas

- 5 Mile
- Craigslist
- Facebook
- Let It Go
- Meet Me
- Offer Up
- Plenty of Fish
- Tinder



# Offenses Associated with Social Media Purchases

<b>Crime Type</b>	<b>2016</b>	<b>2017 YTD</b>
<b>Total Robberies</b>	<b>152</b>	<b>42</b>
<b>Total Murders</b>	<b>2</b>	<b>1</b>

# Texas Cities with Exchange Zones

- Arlington
- Bedford
- Duncanville
- Euless
- Farmers Branch
- Fort Worth
- Flower Mound
- Pflugerville
- San Antonio

# Common Practices from Other Texas Cities with Exchanges Zones

- A citizen can either check-in with police personnel when they arrive to inform them of the exchange or conduct the exchange without notification.
- Transactions involving weapons, stolen property or illegal items are not permitted.
- Performing property checks varied from city to city.
- Police personnel will not suggest, recommend, advise, or otherwise counsel either party during the exchange.
- No guarantees, assurances, or promises as to the safety or security of any in-person transactions that may take place on the property.

# Items for Consideration: Implementation of Exchange Zones

1. Identify highly visible locations.
2. Install video surveillance cameras.
3. Install signs at designated locations.
4. Distribute informational roll call training bulletin for police personnel.
5. Create social media campaign/press release.

# Items for Consideration: Location for Exchange Zones

1. **Patrol Division Parking Lots** – 2 designated parking spaces with signage, lighting and video surveillance cameras.
2. **Patrol Division Lobbies** – video surveillance cameras or police personnel to observe.
3. **Other City Facilities** – libraries, fire stations or recreation centers.



# Summary

- Provided the Public Safety Committee the purpose for exchange zone locations, offenses associated with the use of peer to peer applications, as well as common practices of other cities and items to consider for implementation.
- Exchange Zones offer the opportunity to reduce offenses and provide a positive community interaction.
- Seeking committee recommendations to pursue the implementation of the Exchange Zone initiative.

Questions?

# Memorandum



DATE: February 10, 2017

TO: Honorable Members of the Public Safety Committee:  
Adam Medrano (Chair), B. Adam McGough (Vice Chair), Sandy Greyson, Tiffinni A. Young,  
Jennifer S. Gates, Philip T. Kingston

SUBJECT: **Administrative Report – 2016 Dallas Police Department Annual Traffic Contact Data Report**

Pursuant to Senate Bill 1074, the 2016 Racial Profiling Report for the City of Dallas Police Department was submitted to the Texas Commission on Law Enforcement on Friday, February 3, 2017.

The 2016 Dallas Police Department Annual Traffic Contact Data Report is attached for your review.

Please contact me if you have any questions or need additional information.



Eric D. Campbell  
Assistant City Manager

[Attachment]

cc: Honorable Mayor and Members of the City Council  
T.C. Broadnax, City Manager  
Larry Casto, City Attorney  
Craig D. Kinton, City Auditor  
Rosa A. Rios, City Secretary  
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Directors and Assistant Directors





# Administrative Report – 2016 Dallas Police Department Annual Traffic Contact Data Report

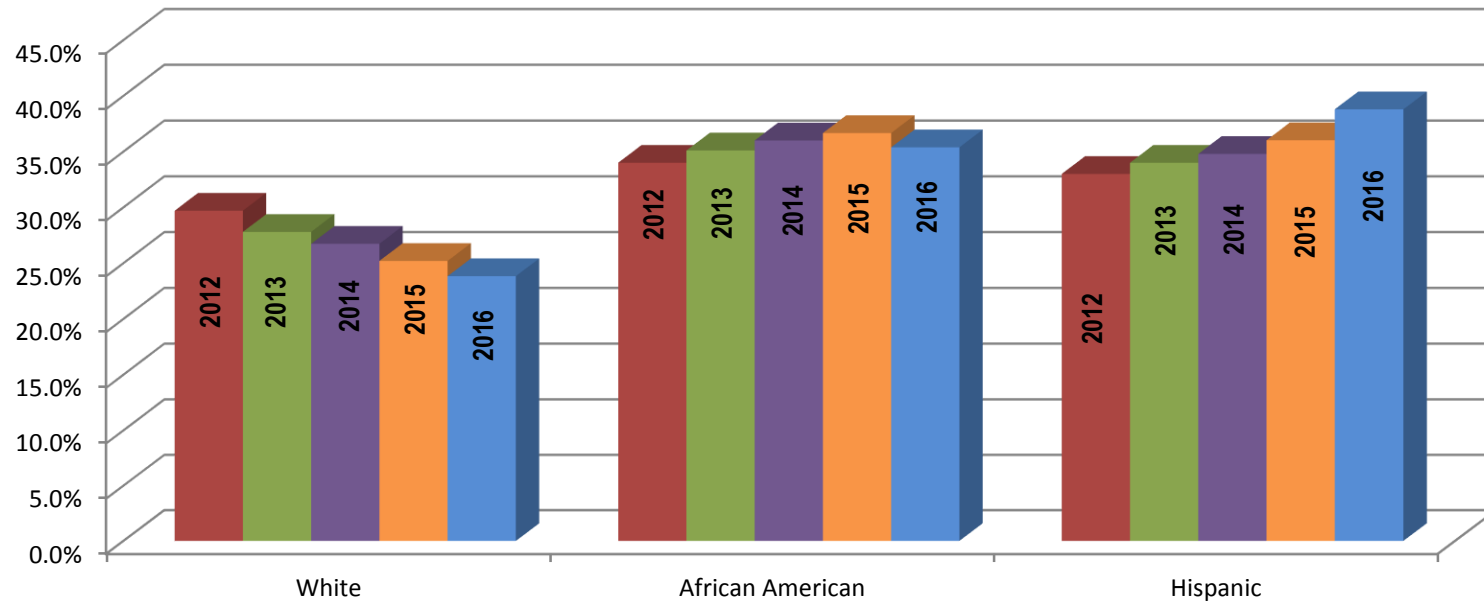
Public Safety Committee  
February 13, 2017



# Overview

- This report provides the following:
  - Statistical overview of the 2016 Traffic Contact data of citizen contacts
  - Ensures department compliance with applicable Texas law regarding the collection of racial profiling data
  - List recommendations as needed to ensure the department continues to follow state guidelines regarding racial profiling

# Total Traffic Contacts



**Total Traffic Contacts - Five Year Comparison**

RACE	2012		2013		2014		2015		2016	
	Number of Contacts	Percent of Total	Number of Contacts	Percent of Total	Number of Contacts	Percent of Total	Number of contacts	Percent of Total	Number of contacts	Percent of Total
<b>White</b>	39,982	29.7%	31,273	27.8%	30,285	26.7%	26,834	25.2%	20,771	23.8%
<b>African American</b>	45,664	34.0%	39,489	35.1%	40,782	36.0%	39,050	36.7%	30,840	35.4%
<b>Hispanic</b>	44,403	33.0%	38,227	34.0%	39,412	34.8%	38,356	36.0%	33,811	38.8%
<b>Asian</b>	1,622	1.2%	1,424	1.3%	1,292	1.1%	1,199	1.1%	901	1.0%
<b>Native American</b>	128	0.1%	261	0.2%	318	0.3%	8	0.0%	24	0.0%
<b>Middle Eastern</b>	289	0.2%	387	0.3%	448	0.4%	226	0.2%	350	0.4%
<b>Other</b>	2,401	1.8%	1,470	1.3%	743	0.7%	834	0.8%	469	0.5%
<b>Total</b>	203,014	100.0%	134,489	100.0%	112,531	100.0%	106,507	100.0%	87,166	100.0%

# 2016 Traffic Contact Data

Race	Traffic Contacts		Searches From Contacts		Race Known Prior To Stop (Yes)		Consensual Searches		Custody Arrests	
	Total	% of Total	Total	% of Total	Total	% of Total	Total	% of Total	Total	% of Total
White	20,771	23.83%	2,272	20.51%	205	22.33%	73	17.63%	2,067	20.90%
African American	30,840	35.38%	5,200	46.94%	434	47.28%	178	43.00%	4,684	47.37%
Hispanic	33,811	38.79%	3,511	31.70%	275	29.96%	156	37.68%	3,051	30.85%
Asian	901	1.03%	56	0.51%	2	0.22%	4	0.97%	48	0.49%
Native American	24	0.03%	15	0.14%	-	0.00%	-	0.00%	15	0.15%
Middle Eastern	350	0.40%	23	0.21%	2	0.22%	-	0.00%	22	0.22%
Other	469	0.54%	-	0.00%	-	0.00%	3	0.72%	2	0.02%
<b>Total</b>	<b>87,166</b>	<b>100.00%</b>	<b>11,077</b>	<b>100.00%</b>	<b>918</b>	<b>100.00%</b>	<b>414</b>	<b>100.00%</b>	<b>9,889</b>	<b>100.00%</b>

# Racial Profiling Complaints

- In 2016, the Dallas Police Department made 87,166 documented traffic contacts and responded to 628,835 calls for service.
- Out of these 716,001 documented contacts, only 8 (.001%) resulted in complaints being filed with the Internal Affairs Division alleging racial profiling.

DISPOSITION OF RACIAL PROFILING COMPLAINTS	
Unfounded	4
Not Sustained	2
Pending	2
<b>Total</b>	<b>8</b>

RACIAL PROFILING COMPLAINTS BY TYPE	
Traffic Stop	4
Other	4
<b>Total</b>	<b>8</b>

- Citizens wishing to make a racial profiling complaint may call:
  - **Internal Affairs 214-671-3986 Monday – Friday 8am – 5am or after hours:**

Central Patrol                    214-670-4413  
 Southeast Patrol                214-670-8345  
 Northwest Patrol                214-670-6178  
 South Central                    214-671-4500

Northeast Patrol                214-670-4415  
 Southwest Patrol                214-670-7470  
 North Central Patrol            214-670-7253

See [www.dallaspolice.net](http://www.dallaspolice.net) for additional information regarding the process for filing complaints.

# Previous Racial Profiling Complaints

Year	Number of Complaints Related to Racial Profiling	Disposition	
2012	15	Unfounded Not Sustained	5 10
2013	12	Unfounded Not Sustained	9 3
2014	12	Unfounded Not Sustained	8 4
2015	12	Unfounded Not Sustained	6 6
2016	8	Unfounded Not Sustained Pending	4 2 2

# Review of Data

- Melinda Schlager, Ph.D., Executive Director, Caruth Police Institute, conducted a review of the data, complaints, and training of the Dallas Police Department in regards to racial profiling.
- The analysis of the report shows the Dallas Police Department is in compliance with the state of Texas law enforcement policy on racial profiling data.

# Review of Data (Cont.)

- The department is committed to providing all information required and complying with the Racial Profiling Law.
- To ensure data collected is as accurate as possible, it is recommended continued training of officers to include understanding and distinguishing the difference of race/ethnicity codes to be used on citations. Officers do not ask drivers for race or ethnicity, but use the appropriate code based on observation only.

Race/Ethnicity	Traffic Court System Code
African American	B
Asian	A
Caucasian	W
Hispanic	H
Middle Eastern	C
Native American	I



# Review of Data (Cont.)

- The Dallas Police Department has established procedures for accepting complaints regarding Racial Profiling from citizens, and provides public education relating to the process for filing such complaints through the Department's website ([www.dallaspolice.net](http://www.dallaspolice.net)), Internal Affairs Division, and the Office of Community Affairs.
- DVR (Digital Video Recorder) Management Control provides accountability and review.
  - 100% of all marked squad cars (942) routinely making traffic stops are equipped with in-car video cameras.
  - Regular reviews by supervisors and the DVR Review Team ensure departmental accountability by identifying conduct that might bring discredit to the Department, training opportunities for improvement, development of field operating procedures, and observances of commendable behavior.

# Memorandum



DATE: February 10, 2017

TO: Honorable Members of the Public Safety Committee:  
Adam Medrano (Chair), B. Adam McGough (Vice Chair), Sandy Greyson, Tiffinni A. Young,  
Jennifer S. Gates, Philip T. Kingston

SUBJECT: **Administrative Report – 2016 Marshal's Office Annual Traffic Contact Data Report**

Pursuant to Senate Bill 1074, the Dallas Marshal's Office has reviewed statistical data and policies to ensure compliance with applicable law and our commitment to the community. No racial profiling complaints have been received in the last 6 years, including 2016.

The 2016 Dallas Marshal's Office Annual Traffic Contact Data Report is attached for your review.

Please contact me if you have any questions or need additional information.



Eric D. Campbell  
Assistant City Manager

[Attachment]

cc: Honorable Mayor and Members of the City Council  
T.C. Broadnax, City Manager  
Larry Casto, City Attorney  
Craig D. Kinton, City Auditor  
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Elsa Cantu, Assistant to the City Manager – Mayor & Council  
Directors and Assistant Directors



# **2016 Annual Traffic Contact Data Report**

## **Dallas Marshal's Office**

**City of Dallas  
February 13, 2017**

## **Table of Contents**

- I. Executive Summary
- II. Background
- III. Response to the Texas Racial Profiling Law
- IV. Traffic Contact Data
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- VI. Conclusion
- VII. Appendix

## **Executive Summary**

The 2016 Dallas Marshal's Office Traffic Contact Data (Tier 2) report provides a summary of all traffic contacts as required by Senate Bill 1074, subsequent House Bills, the Texas Commission on Law Enforcement (TCOLE) and the Texas Code of Criminal Procedures.

The Dallas Marshal's Office routinely conducts motor vehicle stops and was required to submit the more in-depth Tier 2 report as enforcement vehicles were not equipped with in-car video systems the full calendar year. As of April 2016, all enforcement vehicles have been equipped with video systems and policies adopted to comply with standards.

Two enforcement vehicles are equipped with License Plate Recognition (LPR) systems to identify vehicles associated with outstanding warrants.

The Dallas Marshal's Office was awarded a State Body Camera Grant to equip all enforcement personnel and the purchase is pending. The policy has been drafted and is consistent with the Dallas Police Department practice and policy.

All personnel are prohibited from engaging in racial profiling. The Dallas Marshal's Office is committed to the professional, fair and unbiased service to the community and all citizens. This is supported by the actions of our dedicated marshals and evidenced by no racial profiling complaints being submitted in 2016 or the prior 5 years.

The 2016 Traffic Contact Data report has been electronically submitted to TCOLE as required (Appendix A).

## Background

### Texas Commission on Law Enforcement - Racial Profiling Reports

Texas Occupations Code 1701.164 specifies that TCOLE collect incident-based data in accordance with the Code of Criminal Procedure Article 2.131 – 2.138 . Chief administrators of law enforcement agencies that meet the criteria must submit racial profiling reports to their governing body, as well as TCOLE.

Each agency must file an annual online report by selecting and completing the reporting option that applies to their particular situation. Reports are filed online through the TCOLE Department Reporting System (DRS) . The reporting period for the previous year begins on January 1 of the current year and ends on March 31 of the current year.

The Reporting options are:

1. Exempt - Agencies that do not routinely make motor vehicle stops should fill out the 1 page online exempt status form. The exempt status report contains agency general public contact information for questions about its racial profiling filing status. Some agencies are not required to file annual reports.
2. Partial Exemption - Agencies that routinely perform traffic stops or motor vehicle stops and have the vehicles that routinely perform these stops equipped with video and audio equipment must file by an online report. The online report requires the completion of agency general public contact information and the completion of one of the following options:
  - a. online form about the numbers of motor vehicles stops made or uploading an agency developed report in PDF format that contains all information of the one page online form ( Tier 1 Reporting).
3. **Full Reporting** - Agencies that routinely perform traffic stops or motor vehicle stops and do not equip the vehicles that routinely perform these stops with video or audio equipment must file by online report. The online report requires the completion of agency general public contact information and requires completion of both:
  - a. online form about the numbers of motor vehicles stops made and uploading a separate PDF document containing a statistical analysis of its motor vehicle stops compared to the gender and ethnic population of the agency's reporting area. The second document must also contain a statement as to if racial profiling complaints were made against the agency and if so, a listing of all racial profile complaints and the corresponding resolutions ( Tier 2 Reporting).

## CODE OF CRIMINAL PROCEDURE

### TITLE 1. CODE OF CRIMINAL PROCEDURE

#### CHAPTER 2. GENERAL DUTIES OF OFFICERS

Art. 2.131. RACIAL PROFILING PROHIBITED. A peace officer may not engage in racial profiling.

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

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 of a particular descent, including Caucasian, African, Hispanic, Asian, 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 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; 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 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. 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 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.

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

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 25, eff. September 1, 2009.

Acts 2013, 83rd Leg., R.S., Ch. 93 (S.B. 686), Sec. 2.05, eff. May 18, 2013.

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

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

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 26, eff. September 1, 2009.

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:
  - (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
  - (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.

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

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 27, eff. September 1, 2009.

Acts 2013, 83rd Leg., R.S., Ch. 93 (S.B. 686), Sec. 2.06, eff. May 18, 2013.

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 stops is equipped with video camera and transmitter-activated equipment and each law enforcement motorcycle regularly used to make motor vehicle stops is equipped with transmitter-activated equipment; and

(B) each motor vehicle 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 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 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).

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

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 28, eff. September 1, 2009.

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.

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

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).

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

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

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

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.

Added by Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 29, eff. September 1, 2009.

**Response to the Texas Racial Profiling Law**  
The Dallas Marshal's Office Philosophy Statement

## **Dallas Marshal's Office Racial Profiling Philosophy Statement**

- **It is the goal of the Dallas Marshal's Office to provide public safety service that is both effective and fair.**
- **To achieve this goal, racial profiling is strictly forbidden and will never be tolerated in the Dallas Marshal's Office.**
- **The reality and the perception by all citizens must be that sworn deputies do not stop, detain, or take enforcement action based solely upon race, color, or ethnicity.**
- **Racial profiling incurs the cost of eroding the trust between officers and citizens, thus undermining the legitimacy of law enforcement actions.**
- **Through determination, vigilance, and training, the Dallas Marshal's Office will foster and maintain the confidence of all citizens in the integrity and professionalism of its Deputy Marshal's.**
- **All citizens must believe that the administration of justice is applied fairly and that racial profiling is never used as a means of enforcement.**
- **They must also believe that they will be judged solely on their own conduct and never on racial generalizations.**
- **The Dallas Marshal's Office is committed to protecting the rights of all citizens. This commitment extends to maintaining the trust and confidence of citizens through fair application of the law.**



**Mary Lynn Morris  
Assistant Director/City Marshal**

**Response to the Texas Racial Profiling Law**  
Current Racial Profiling Policy

# DALLAS MARSHAL'S OFFICE POLICIES AND PROCEDURE DEPARTMENT OF COURT AND DETENTION SERVICES

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**Policy: Racial Profiling and Gender, Age, or Sexual Orientation Profiling**

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No. 00-005

**Purpose:** To provide guidelines and procedures to all sworn members of the Dallas Marshal's Office as they pertain to the definition of Racial, Gender, Age or Sexual Orientation Profiling. These procedures and guidelines will serve to strictly prohibit any sworn member of the Dallas Marshal's Office from utilizing racial profiling as a means to determine probable cause to arrest and/or reasonable suspicion to detain any person based solely on race, gender, age or sexual orientation.

## **100.01** Definitions

1. "Racial Profiling" is defined as stopping, detaining, and/or taking enforcement action on a person solely because of race, ethnicity, or color including individuals of Middle Eastern descent. "Gender, Age, or Sexual Orientation profiling" is defined as stopping, detaining, and/or taking enforcement action on a person solely because of gender, age, or sexual orientation.
2. The definition of "Racial Profiling" and "Gender, Age, or Sexual Orientation Profiling" also applies to searching the body of the person, the immediate premises around the person, or a vehicle occupied by the person solely for the above stated reasons. These acts are strictly prohibited.
3. "Pedestrian Stop" is defined as 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.

## **100.02** Prohibitions

"Racial Profiling" and "Gender, Age, or Sexual Orientation Profiling" is strictly prohibited. At no time will any sworn employee of the Dallas Marshal's Office rely solely upon racial, gender, age, or sexual orientation profiling as the determination of probable cause to arrest and/or reasonable suspicion to detain any person.

## **100.03** Supervisory Responsibility

Supervisors have the responsibility of monitoring the activities of subordinates to ensure that "Racial Profiling" and "Gender, Age, or Sexual Orientation Profiling" are not practiced. Supervisors shall take immediate corrective actions if these activities are observed and/or discovered.

## **100.4** Complaint Process

1. Any person who believes that a peace officer employed by the Dallas Marshal's Office has engaged in racial profiling with respect to that person may file a complaint with the Dallas Marshal's Office, and no person shall be discouraged, intimidated, or coerced from filing such a complaint, or be discriminated against because they have filed such a complaint.
2. The Dallas Marshal's Office shall accept and investigate citizen complaints alleging racial profiling by sworn members of the Dallas Marshal's Office. Such complaints must be in writing, and should include the time, place, and details of the incident of alleged racial profiling, the identity or description of the peace officer or officers involved, and the identity and manner of contacting the complainant.



3. Any peace officer or Marshal's Office employee who receives a citizen complaint alleging racial profiling shall forward the complaint to the City Marshal within 24 hours of receipt of the complaint. Receipt of each complaint shall be acknowledged to the complainant in writing, all such complaints shall be reviewed and investigated by the Internal Affairs Division within a reasonable period of time, and the results of the investigator's review and investigation shall be filed with the City Marshal and the final conclusion reported to the complainant.
4. In investigating a complaint alleging racial profiling, the Dallas Marshal's Office shall seek to determine if the officer who is the subject of the complaint has engaged in a pattern of racial profiling that includes multiple acts constituting racial profiling for which there is no reasonable, credible explanation based on established police and law enforcement procedures.

**100.05 Public Education**

The Dallas City Marshal's Office will provide education to the public concerning the agency's racial profiling complaint process. Upon request, copies of this policy shall be made readily available to the requesting party at no cost.

**100.06 Exceptions**

An exception to this policy is contact made with persons suspected of a violation in which the person's age may determine probable cause to arrest and/or reasonable suspicion to detain the person. Examples of these violations include, but are not limited to, truancy, curfew, and minor in possession of alcohol Ordinances and Laws.

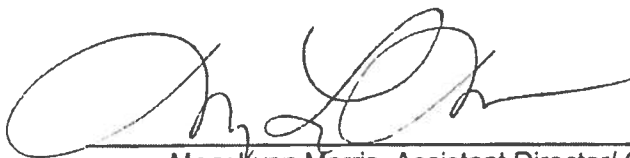
**100.07 Administrative Option**

The City Marshal may revise any of the above provisions contained within this Procedure No. 00-005, as warranted.

Violation(s) of any part of this directive may result in disciplinary action.

**This Policy is Effective:** January 1, 2002

**Revised:** August 10, 2009



\_\_\_\_\_  
Mary Lynn Morris, Assistant Director/ City Marshal

**Response to the Texas Racial Profiling Law**  
Data Collection Form

**Dallas Marshal's Office  
Racial Profiling Data Collection**

**VEHICLE / PEDESTRAIN STOP INFORMATION**

DATE    TIME     
MM DD YY

**01. LOCATION OF TRAFFIC OR PEDESTRAIN STOP**

---

**02. VIOLATION RESULTING IN STOP**  *(all that apply)*

MOVING  EQUIPMENT  LICENSE  INVESTIGATIVE  
*(not type of violation)*

---

**03. RESULT OF STOP**  *(all that apply)*

CITATION  WARNING  NO ACTION  OTHER (ARREST)

---

**04. CITATION NUMBER:**

-

---

**05. WAS PERSON ARRESTED?**  YES  NO

**06. ARREST NUMBER:**

-

---

**07. IF ARREST MADE, CRIME/VIOLATION ALLEGED**

*(all that apply)*  
 OUTSTANDING WARRANT  ENVIRONMENTAL CRIME  
 RESISTING ARREST  OFFENSE AGAINST PERSON  
 PROPERTY CRIME  TRAFFIC VIOLATION  
 DRUG VIOLATION  \*OTHER LIST VIOLATION

---

**08. PERSON'S RACE/MINORITY STATUS**

*(based only on visual observation)*  
 WHITE  BLACK/AFRICAN-AMERICAN  HISPANIC/LATINO  
 AMERICAN INDIAN/ALASKA NATIVE  ASIAN

**09. WAS THE RACE/ETHNICITY OF THE SUBJECT EVIDENT PRIOR TO THE STOP?**  YES  NO

**10. PERSON'S AGE**  UNDER 18  18-29  30-39  40+

**11. PERSON'S GENDER**  MALE  FEMALE

**12. WAS A SEARCH INITIATED?**  YES  NO

*(if YES, probable cause/authority for search)*  *(all that apply)*  
 CONSENT  INVENTORY  DRUG/ALCOHOL/ORDR  
 INCIDENT TO ARREST  PLAIN VIEW CONTRABAND  OTHER  
 REASONABLE SUSPICION-WEAPON (TERRY STOP)

**13. WHAT WAS SEARCHED?**

PERSON ONLY  PROPERTY ONLY  PERSON AND PROPERTY

**14. DURATION OF SEARCH**

0-15 MINUTES  16-30 MIN.  31+ MIN.

**15. WAS CONTRABAND DISCOVERED?**  YES  NO

*(if YES, type of contraband)*  *(all that apply)*  
 DRUGS/ALCOHOL/PARAPHERNALIA  CURRENCY  
 WEAPON  STOLEN PROPERTY  OTHER

**DIVISION OF THE MARSHAL'S OFFICE**

FIELD OPERATIONS  ILLEGAL DUMP TEAM  CDC  JUDICIARY

DEPUTY NAME & BADGE NUMBER \_\_\_\_\_

REVIEWING SUPERVISOR NAME & BADGE NUMBER \_\_\_\_\_

CHIEF DEPUTY MARSHAL SIGNATURE \_\_\_\_\_

**Response to the Texas Racial Profiling Law**  
In-Car Digital Video System Policy

**DALLAS MARSHAL'S OFFICE  
SPECIAL ORDER**

ORDER NO#	TITLE	ISSUED BY	EFFECTIVE DATE	SUSPENSE DATE
#16-006	IN-CAR VIDEO/AUDIO RECORDING SYSTEM	Ron Everett A.D. / Marshal	2/26/2016 1201 AM	This order will be incorporated in departmental policy at a later date

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S.O. 16-006.00      PURPOSE

S.O. 16-006.01      EFFECTIVE DATE

S.O. 16-006.02      APPLICATION

S.O. 16-006.03      DEFINITIONS

S.O. 16-006.04      GENERAL PROCEDURES

S.O. 16-006.05      USE OF THE DIGITAL VIDEO RECORDING SYSTEM

S.O. 16-006.06      HANDLING, DUPLICATION, AND STORAGE OF VIDEOS

S.O. 16-006.07      RETENTION OF RECORDING AND LOGS

**S.O. 16-006.00      PURPOSE**

- A. It is the intention of the Dallas Marshal's Office (DMO) to utilize Digital Video Recorder systems in a manner that is fair and equitable toward staff members and citizens.
- B. The DMO has adopted the use of in-car video/audio recording systems in order to accomplish several objectives. These objectives include, but are not limited to:
1. Enhancement of staff member's safety,
  2. Enhancement of staff member's reporting, evidence collection, and court testimony,
  3. Protection from false claims of impropriety,
  4. Staff member's evaluation and training, and
  5. Compliance with Texas State Law regarding Racial Profiling data collection.

**S.O. 16-006.01      EFFECTIVE DATE**

This special order will become effective at 12:01 AM on February 29, 2016, and supersedes any existing policies. This special order will be permanently incorporated in departmental policy at a later date.

**S.O. 16-006.02      APPLICATION**

This special order applies to all employees of the Dallas City Marshal's Office.

**S.O. 16-006.03            DEFINITIONS**

- A.     DVR: Digital Video Recorder system provided by the DMO.
- B.     DMO DVR Administrator: The Supervisor of the Office of Professional Standards, assigned the primary responsibility for the DVR program at the DMO.
- C.     DVR Resource Manual: The DMO's Standard Operating Procedure for the DVR program.
- D.     Division: When used in this General Order includes any Division, Section, or Unit, operating DVR systems.
- E.     Enforcement Activity: Law Enforcement activity including; issuing a citation or giving a warning, questioning, arresting, detaining, frisking, or searching a person or vehicle.
- F.     DVR Review Team: Assigned by the Supervisor of the Office of Professional Standards to conduct strategically selected reviews of in-car video.
- G.     PC: Personal Computer

**S.O. 16-006.04            GENERAL PROCEDURES**

- A.     The DMO DVR Resource Manual will be used as the Standard Operating Procedure (SOP) by all Divisions operating DVR systems. If a discrepancy exists between the DVR Resource Manual and this Special Order, the Special Order shall take precedence. The Supervisor of the Office of Professional Standards, in cooperation with the Marshal, will update the DVR Resource Manual as needed.
- B.     Office of Professional Standards Responsibility:
  - 1.     The Supervisor of Office of Professional Standards is responsible for the overall operation of the DMO DVR program. This supervisor, or their designee, has primary responsibility for DVR security, operation, video handling, and training.
  - 2.     The Supervisor of Office of Professional Standards, or their designee, will be responsible for maintaining DVR security, reporting malfunctioning equipment, transferring video to writeable compact disks, and providing training to DVR users.
  - 3.     In-car video will be uploaded and retained on DVR servers located at 1600 Chestnut.
  - 4.     All video will be maintained for a minimum of 90 days in accordance with TX77RSB 1074. If the video has not been identified as one which is to be retained it will automatically be deleted from the server after 90 days.

## C. Staff Member's Responsibilities:

1. Staff members will obtain training on the use of DVR systems, and will request additional instruction from a supervisor if they are unsure of the proper operation of the DVR equipment.
2. At the beginning of each shift, staff members operating a DVR equipped vehicle will determine whether the DVR equipment is working properly. Staff members will ensure:
  - a. The DVR is powered on and is positioned and adjusted to record events,
  - b. All previously recorded video has been uploaded,
  - c. The wireless microphone and receiver are working properly in order to provide audio recording, and
  - d. The wireless microphone is properly worn and the power switch is turned on.
3. At the beginning of each shift, staff members will perform an equipment check. The staff member will start the "Record" mode by turning on the vehicle's red lights and will leave them on to record an audio/video sample for one minute. After one minute, the "Time Remaining" display will show the remaining time in hours and minutes. Stop recording by pushing the Stop button.
  - a. In the "tagging dialog" box, the badge number of the staff member performing the function check will be entered into the "officer i.d." field.
  - b. Staff members will type the words "Equipment Check" into the "Incident number" field.
  - c. Staff members will note the time remaining on the Vehicle Operations Checklist (CTS-FRM-834).
4. Staff members will verify that the video and audio sample was successfully recorded by clicking on the "Locate File" or "Playback" button, selecting the last recorded file and clicking the Play button. Any problem with the DVR equipment at this or any other time during the shift will be immediately reported to a supervisor.
5. Supervisors will review videos regularly to ensure that the beginning of shift audio/video sample test procedure is properly conducted.
6. Throughout the shift, the staff member(s) will monitor the operation of the DVR system to ensure it continues to work properly. Staff members using DVR equipped vehicles are responsible for the proper use and security of the systems.

7. One staff member in each DVR equipped vehicle will wear the wireless microphone and ensure that the receiver is working properly during the shift.
8. When interacting only with other police personnel, outside of the presence of civilians, staff members will inform other police personnel if a DVR system is recording.
9. One Staff member will enter their badge number into the "officer i.d." field at the conclusion of all recorded citizen interactions.

D. Field Enforcement Commander Responsibilities:

1. The Field Enforcement Commander will designate one or more supervisors to be responsible for conducting random DVR reviews/audits of staff members assigned to their division as required by TX77RSB 1074. Field Enforcement Commanders will ensure that at least two DVR reviews are conducted each year for all patrol officers under their command by the designated supervisors.
  - a. The primary purpose of these reviews is to ensure DMO accountability and promote staff member safety. Observed violations should be brought to the officer's attention and discussed with a focus and emphasis on training. Significant and/or repeated violations may result in disciplinary action.
  - b. In all cases, violations, and the action taken, will be documented to the Division Commander.
2. Supervisors may request the DVR Team audit videos on a case by case basis through their Division Commander.

E. DVR Review Team Responsibilities:

1. Review and audit video from all vehicle pursuits and any other videos at the request of a Division Commander. These reviews will be conducted to ensure DMO accountability by identifying conduct that might bring discredit to the DMO, seek training opportunities for improvement, development of field training procedures, as well as reporting observances of commendable behavior.

**S.O. 16-006.05 USE OF THE DIGITAL VIDEO RECORDING SYSTEM**

A. General use of equipment:

1. DVR systems are programmed to record automatically when the vehicle's emergency lights or siren are turned on.



2. DVR equipment may be manually activated by pushing the "Record" button on the control panel, or by pushing the remote Record button on the top of the wireless microphone.
3. Staff members assigned to prisoner transfers will manually activate the DVR equipment upon pickup of the transfer prisoner.
4. Only pushing the "Stop" button on the laptop software interface can stop the recording phase.
5. Under no circumstances are staff members to erase, reuse, or in any manner alter DVR recording. Such activities may subject staff members to disciplinary action and criminal sanctions as these recordings may be considered evidence and/or government records.
6. Staff members will not duplicate DVR video recordings without authorization or tamper with DVR equipment or settings.
7. Only authorized personnel may service (program, repair, adjust, dismantle, or relocate) DVR equipment. Specific service procedures are contained in the DVR Resource Manual.
8. The "On/Off" slide switch on the side of the wireless microphone will serve as a temporary mute button during recording.

B. DVR equipment will be used:

1. When interacting with citizens during traffic/pedestrian stops normally requiring the use of emergency lights,
2. During pursuits and Code-3 operation, and
3. During other activity normally requiring activation of the vehicle's emergency equipment except when deactivation of the DVR systems is authorized.

C. DVR equipment may be used:

1. To record probable cause/suspicious activity prior to activating the vehicle's emergency lights.
2. To record the actions of individuals during calls for service or other contacts.
3. To document crime scenes or other incidents where documentation of actions or events may be essential for court.

D. DVR equipment deactivation (Stop recording):

1. DVR recording may be stopped when authorized by a supervisor who determines that continued recording is not required to meet the objectives of the DVR program, or
2. DVR recordings may be stopped by a staff members during non-enforcement activities with limited citizen interaction, such as; when protecting a crime scene or motor vehicle collision scene or waiting for a wrecker to impound a vehicle.
3. Staff members may stop DVR recordings of a Traffic/Pedestrian stop only after contact with the citizen has ended.
4. Staff members may temporarily deactivate the Audio portion of DVR recordings from the wireless microphone only, by engaging the "On/Off" slide switch on the side of the wireless transmitter, under the following circumstances when no citizen contact is taking place:
  - a. To exchange NCIC/TCIC, DPS, or other law enforcement sensitive data either in person or via the police radio or MDC,
  - b. To facilitate the discussion of training issues or to discuss operational strategy,
  - c. To share information that is not subject to the Public Information Act, telephone numbers, or to exchange personal information (telephone number, home address, etc.) with another staff member or police officer, and
  - d. To discuss an issue with a supervisor or investigator.
5. Staff members will not deactivate DVR equipment (including the DVR wireless microphone or receiver) at any time during the recording of enforcement activity for which recording has begun.
6. Once activated for any reason while a pursuit or assist officer is occurring, the DVR will not be deactivated until the incident has been completed.

**S.O. 16-006.06 HANDLING, DUPLICATION, AND STORAGE OF VIDEOS**

- A. Uploading video from vehicles – The DVR Resource Manual will outline specific operational procedures to be followed.
  1. Video will be uploaded at the end of every shift by the individual staff member.
  2. If a staff member cannot upload the DVR due to a Download Port failure, the staff member will notify a supervisor immediately.
  3. The Supervisor of Office of Professional Standards, or their designee, will conduct semi-monthly checks to ensure the Download Ports and cables are working properly.

4. If the Supervisor of Office of Professional Standards, or their designee, is unable to correct the Download Port problem, he/she will notify the City HELP desk at (214) 670-1234 for repair.
5. The handling of DVR video will be done in accordance with instructions contained in the DVR Resource Manual.
6. All offense and arrest actions recorded with a DMO DVR will be documented either in an offense, arrest or miscellaneous incident report.
7. The DMO squad car number capturing the video recorded incident and all additional DVR equipped vehicles will be referenced in all related reports.

**S.O. 16-006.06            HANDLING, DUPLICATION, AND STORAGE OF VIDEOS**

**B.        Duplication and handling of DVR recordings:**

1. If a recording documents a police incident involving serious injury or death, or if the Marshal or the Supervisor of the Office of Professional Standards (DMO), or the DPD Special Investigations Unit (SIU)/Crimes Against Persons Division, DPD Public Integrity Section, DPD Internal Affairs Division, or the DPD Crime Scene Response Unit requests that a video be seized immediately:
  - a. As soon as it is practical, the vehicle will be brought to 1600 Chestnut and the Supervisor of Office of Professional Standards, or their designee, will upload the video to the DVR server.
  - b. The Supervisor of Office of Professional Standards, or their designee, will provide a copy of the requested video.
  - c. A PC converted video or portion of the video will be made. The PC converted copy will be transferred to a compact disk and provided to, and be maintained by the Supervisor of the Office of Professional Standards for the required 90-day retention period. The PC converted copy will be produced utilizing the appropriate media source.
  - c. The Supervisor of the Office of Professional Standards, or their designee, will then search for the incident and "mark for non-deletion."
  - e. The request to release a hold must be submitted to the Supervisor of the Office of Professional Standards when it is determined that the original video recording is no longer needed.

- f. The PC converted copy will be labeled and handled as outlined in the DVR Resource Manual.
  2. If a video recording documents an offense or arrest, the original video recording will be marked for non-deletion and documented in the appropriate offense/incident or supplemental report.
  3. Staff members will submit a Vehicle Evidence Request form (CTS-FRM-868) to a supervisor under the following conditions:
    - a. To request a video recording be marked for non-deletion.
    - b. To request a PC converted copy of the video recording for court or administrative investigations.
    - c. Copies of video will not be distributed to or maintained by staff members.
  4. If a recording documents an incident for which a copy is requested, the procedure to be followed is outlined section 328.06 (Public Information Act) of this order and in the DVR Resource Manual.
  5. Original recordings are not to leave the possession of the Dallas Marshal's Office unless authorized by the Marshal.
  6. The Supervisor of the Office of Professional Standards, or any other person designated by the Marshal, is responsible for the proper conversion or reproduction of DVR recordings.
- C. Staff members who believe that a DVR recording contains usable evidence or important information will notify their supervisor by submitting a Video Evidence Request form (CTS-FRM-868). Supervisors will follow the procedures set out in the DVR Resource Manual for obtaining PC converted copies of recordings.
- D. DVR recordings will be duplicated only for official reasons, including the following:
1. Criminal evidence.
  2. Public Information Act (Open Records) requests.
  3. Office of Professional Standards.
  4. Training Section requests.
  5. Other if approved by the Division Commander.
- E. DVR recordings will not be provided to anyone outside of the Dallas Marshal's Office unless the recording is requested through the proper Public Information Act request process or through a Criminal Justice request received on a completed and approved Request for DVR Video Duplication/ Review form.

- F. As required by Texas Senate Bill 1074 – On the commencement of an internal investigation of a complaint described by SB 1074, Subsection (b) (3) (related to Racial Profiling) in which a video or audio recording of the occurrence on which the complaint is based was made, a copy of the recording shall be provided to the peace officer who is the subject of the complaint upon written request by the officer. This duplicate video shall be requested by the person conducting the investigation who shall document compliance with SB 1074.
- G. During any internal investigation not covered by Senate Bill 1074, the person conducting the investigation shall inquire as to whether the incident was documented by a DVR system. If audio or video documentation exists, the person conducting the investigation will review it and, if the incident is documented by the recording, obtain a copy of the incident for the investigation. Upon written request, they will provide a copy to the accused staff member and document compliance with this policy.
- H. Copies of recordings not involving pending criminal action, civil litigation, or internal investigations may be used for training purposes with the approval of the Marshal or his designee.

**S.O. 16-006.07            RETENTION OF RECORDING AND LOGS**

- A. DVR recordings will be maintained for a minimum period of 90 days before automatic deletion from the respective server. (Required by TX77RSB 1074).
- B. DVR recordings are subject to Public Information Act requests as any other DMO record.
  - 1. The Supervisor of the Office of Professional Standards is designated as the custodian of record for the video recordings residing on the DMO respective DVR server(s).
  - 2. Only a PC converted copy of the material requested will be transferred onto compact disk, and forwarded to the supervisor of the Office of Professional Standards.
  - 3. Public Information Act requests for videos will be handled in accordance with Chapter 552 of the Texas Government Code and departmental procedures.
  - 4. The Supervisor of the Office of Professional Standards will set charges for duplication of videos for Public Information Act requests.

## **Response to the Texas Racial Profiling Law**

### **Training Requirements**

All current Marshals are in compliance with mandated Texas Commission on Law Enforcement (TCOLE) and the Law Enforcement Management Institute of Texas (LEMIT) training as specified in the Texas Racial Profiling Law.

The Dallas Police Department continues to permit Marshals to attend their Core Curriculum training program every two years and share relevant training bulletins.

The Dallas Marshal's Office only hires TCOLE certified peace officers and verifies that all TCOLE training standards have been completed as required. Additionally, the Office provides instruction of the mandated TCOLE Racial Profiling course #3256 (Appendix B).

**Response to the Texas Racial Profiling Law**  
Racial Profiling Complaints

The Dallas Marshal's Office received no complaints from the 1033 documented traffic contacts in 2016.

There have been no racial profiling complaints for the preceding five (5) years.

Procedures and policies are established for accepting complaints at the Dallas Marshal's Office and information is available on the website and 24/7 public lobby.

There were no external formal complaints received in 2016 based on employee actions.

## Traffic Contact Data



# 2016 Traffic Contact Data Report

Race	Traffic Contacts		Searches From Contacts		Consensual Searches		Custody Arrests	
	Number	% of Total	Number	% of Total	Number	% of Total	Number	% of Total
White	153	14.8%	16	8.0%	0	0.0%	7	3.9%
African American	421	40.7%	120	60.0%	5	55.6%	112	62.2%
Hispanic	452	43.8%	64	32.0%	4	44.4%	61	33.9%
Asian	5	0.5%	0	0.0%	0	0.0%	0	0.0%
Native American	2	0.2%	0	0.0%	0	0.0%	0	0.0%
Middle Eastern	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Other	0	0.0%	0	0.0%	0	0.0%	0	0.0%
<b>Total</b>	<b>1033</b>	<b>100%</b>	<b>200</b>	<b>100%</b>	<b>9</b>	<b>100%</b>	<b>180</b>	<b>100%</b>

\*Race or ethnicity known prior to stop: 9.7%



# Year to Year Comparison

	2015 Traffic Contacts	2015 Searches	2015 Arrests	2016 Traffic Contacts	2016 Searches	2016 Arrests
	Number	% of Total	% of Total	Number	% of Total	% of Total
White	115	8.3%	6.5%	153	8.0%	3.9%
African American	246	55.6%	61.3%	421	60.0%	62.2%
Hispanic	350	33.3%	29.0%	452	32.0%	33.9%
Asian	6	0.0%	0.0%	5	0.0%	0.0%
Native American	3	2.8%	3.2%	2	0.0%	0.0%
Middle Eastern	0	0.0%	0.0%	0	0.0%	0.0%
Other	0	0.0%	0.0%	0	0.0%	0.0%
<b>Total</b>	<b>720</b>	<b>100%</b>	<b>100%</b>	<b>1033</b>	<b>100%</b>	<b>100.0%</b>

\*Traffic contacts increased by 43% in 2016

## **Conclusion**

The analysis of the report and supplemental information indicates that the Dallas Marshal's Office is in compliance with applicable laws and does not support a pattern of racial profiling. It should be noted that fourteen (14) new marshals were field trained during 2016, generating a significant increase in traffic contacts and arrests. Data supports that 176 out of the 200 searches were based on a warrant arrest at the time of the contact.

The data showed that in a large number of instances, officers did not know the race or ethnicity of individuals before they were detained. Findings related to searches indicate a smaller percentage of searches for White drivers and higher for African American and Hispanic drivers. Updated policies which mirror Dallas Police Department policies related to consensual searches and the use of video/audio technology will be implemented in the next 30 days. Additional requirements have been implemented requiring supervisors and the Professional Standards Unit to review in-car video related to contacts and searches to provide greater analysis and evaluation.

We continually seek to use technology, supervisory review and update procedures and policies to ensure professional and unbiased service to the community.

## Appendix A

# Racial Profiling Report | Tier two

<b>Agency Name:</b>	Dallas City Marshal's Office
<b>Reporting Date:</b>	01/31/2017
<b>TCOLE Agency Number:</b>	113608
<b>Chief Administrator:</b>	City Marshal Ronald Everett
<b>Agency Contact Information:</b>	
<b>Phone:</b>	214-670-6804
<b>Email:</b>	paul.hansen@dallascityhall.com
<b>Mailing Address:</b>	1600 Chestnut Street Dallas Texas 75226

This Agency filed a full report because:  
Our agency has no motor vehicle or audio equipment.

Certification to This Report 2.132 (Tier 2), Full Report

Article 2.132(b) CCP Law Enforcement Policy on Racial Profiling

Dallas City Marshal's Office has adopted a detailed written policy on racial profiling. Our policy:

- 1.) clearly defines acts constituting racial profiling;
- 2.) strictly prohibit peace officers employed by the Dallas City Marshal's Office from engaging in racial profiling;
- 3.) implements a process by which an individual may file a complaint with the Dallas City Marshal's Office if the individual believes that a peace officer employed by the Dallas City Marshal's Office 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 Dallas City Marshal's Office who, after an investigation, is shown to have engaged in racial profiling in violation of the Dallas City Marshal's Office's policy adopted under this article;
- 6.) require 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; 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 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.

**Executed by:** City Marshal Ronald Everett

Chief Administrator

**Dallas City Marshal's Office**

**Date:** 01/31/2017

## Dallas City Marshal's Office Motor Vehicle Racial Profiling Information

Total stops: 1033

### Gender

**Female:** 275

**Male:** 758

### Race or ethnicity

**African:** 421

**Asian:** 5

**Caucasian:** 153

**Hispanic:** 452

**Middle eastern:** 0

**Native american:** 2

### Was race or ethnicity known prior to stop?

**Yes:** 100

**No:** 933

### Reason for stop?

**Violation of law:** 102

**Pre existing knowledge:** 132

**Moving traffic violation:** 449

**Vehicle traffic violation:** 350

### Was a search conducted?

**Yes:** 200

**No:** 833

### Reason for Search?

**Consent:** 9

**Contraband:** 6

**Probable cause:** 5

**Inventory:** 4

**Incident to arrest:** 176

Was Contraband discovered?

**Yes:** 15

**No:** 185

Description of contraband

**Drugs:** 13

**Currency:** 0

**Weapons:** 0

**Alcohol:** 1

**Stolen property:** 0

**Other:** 1

Stop resulted in arrest

**Yes:** 180

**No:** 853

Arrest based on

**Violation of Penal Code:** 0

**Violation of Traffic Law:** 0

**Violation of City Ordinance:** 0

**Outstanding Warrant** 180

Street address or approximate location of the stop

**City street:** 954

**City street:** 954

**US highway:** 75

**County road:** 0

**Private property or other:** 4

Written warning or a citation as a result of the stop

**Yes:** 700

**No:** 333

Submitted electronically to the





## Appendix B

# Racial Profiling



Course Number 3256

**Texas Commission on Law Enforcement**

**September 2001**

# Racial Profiling 3256

## Instructor's Note:

You may wish to teach this course in conjunction with Asset Forfeiture 3255 because of the related subject matter and applicability of the courses. If this course is taught in conjunction with Asset Forfeiture, you may report it under Combined Profiling and Forfeiture 3257 to reduce data entry.

## Abstract

This instructor guide is designed to meet the educational requirement for racial profiling established by legislative mandate: 77R-SB1074.

- Target Population:** Licensed law enforcement personnel in Texas
- Prerequisites:** Experience as a law enforcement officer
- Length of Course:** A suggested instructional time of 4 hours
- Material Requirements:** Overhead projector, chalkboard and/or flip charts, video tape player, handouts, practical exercises, and demonstrations
- Instructor Qualifications:** Instructors should be very knowledgeable about traffic stop procedures and law enforcement issues

## Evaluation Process and Procedures

An examination should be given. The instructor may decide upon the nature and content of the examination. It must, however, sufficiently demonstrate the mastery of the subject content by the student.

## Reference Materials

Reference materials are located at the end of the course. An electronic copy of this instructor guide may be downloaded from our web site at <http://www.tcleose.state.tx.us>.

# Racial Profiling 3256

## 1.0 RACIAL PROFILING AND THE LAW

1.1 **UNIT GOAL:** The student will be able to identify the legal aspects of racial profiling.

1.1.1 **LEARNING OBJECTIVE:** The student will be able to identify the legislative requirements placed upon peace officers and law enforcement agencies regarding racial profiling.

### Racial Profiling Requirements:

Racial profiling	CCP 3.05
Racial profiling prohibited	CCP 2.131
Law enforcement policy on racial profiling	CCP 2.132
Reports required for traffic and pedestrian stops	CCP 2.133
Liability	CCP 2.136
Racial profiling education for police chiefs	Education Code 96.641
Training program	Occupations Code 1701.253
Training required for intermediate certificate	Occupations Code 1701.402
Definition of "race or ethnicity" for form	Transportation Code 543.202

- A. Written departmental policies
  - 1. Definition of what constitutes racial profiling
  - 2. Prohibition of racial profiling
  - 3. Complaint process
  - 4. Public education
  - 5. Corrective action
  - 6. Collection of traffic-stop statistics
  - 7. Annual reports
- B. Not prima facie evidence
- C. Feasibility of use of video equipment
- D. Data does not identify officer
- E. Copy of complaint-related video evidence to officer in question
- F. Vehicle stop report
  - 1. Physical description of detainees: gender, race or ethnicity
  - 2. Alleged violation
  - 3. Consent to search
  - 4. Contraband
  - 5. Facts supporting probable cause
  - 6. Arrest
  - 7. Warning or citation issued
- G. Compilation and analysis of data
- H. Exemption from reporting – audio/video equipment
- I. Officer non-liability

- J. Funding
- K. Required training in racial profiling
  1. Police chiefs
  2. All holders of intermediate certificates and/or two-year-old licenses as of 09/01/2001 (training to be completed no later than 09/01/2003) – see legislation 77R-SB1074

**1.1.2 LEARNING OBJECTIVE: The student will become familiar with Supreme Court decisions and other court decisions involving appropriate actions in traffic stops.**

- A. Whren v. United States, 517 U.S. 806, 116 S.Ct. 1769 (1996)
  1. Motor vehicle search exemption
  2. Traffic violation acceptable as pretext for further investigation
  3. Selective enforcement can be challenged
- B. Terry v. Ohio, 392 U.S. 1, 88 S.Ct. 1868 (1968)
  1. Stop & Frisk doctrine
  2. Stopping and briefly detaining a person
  3. Frisk and pat down
- C. Other cases
  1. Pennsylvania v. Mimms, 434 U.S. 106, 98 S.Ct. 330 (1977)
  2. Maryland v. Wilson, 117 S.Ct. 882 (1997)
  3. Graham v. State, 119 MdApp 444, 705 A.2d 82 (1998)
  4. Pryor v. State, 122 Md.App. 671 (1997) cert. denied 352 Md. 312, 721 A.2d 990 (1998)
  5. Ferris v. State, 355 Md. 356, 735 A.2d 491 (1999)
  6. New York v. Belton, 453 U.S. 454 (1981)

**2.0 RACIAL PROFILING AND THE COMMUNITY**

**2.1 UNIT GOAL: The student will be able to identify logical and social arguments against racial profiling.**

**2.1.1 LEARNING OBJECTIVE: The student will be able to identify logical and social arguments against racial profiling.**

- A. There are appropriate reasons for unusual traffic stops (suspicious behavior, the officer's intuition, MOs, etc.), but police work must stop short of cultural stereotyping and racism
- B. Racial profiling would result in criminal arrests, but only because it would target all members of a race randomly – the minor benefits would be far outweighed by the distrust and anger towards law enforcement by minorities and the public as a whole
- C. Racial profiling is self-fulfilling bad logic: if you believed that minorities committed more crimes, then you might look for more minority criminals, and find them in disproportionate numbers

- D. Inappropriate traffic stops generate suspicion and antagonism towards officers and make future stops more volatile – a racially-based stop today can throw suspicion on tomorrow's legitimate stop
- E. By focusing on race, you would not only be harassing innocent citizens, but overlooking criminals of all races and backgrounds – it is a waste of law enforcement resources

### 3.0 RACIAL PROFILING VERSUS REASONABLE SUSPICION

#### 3.1 **UNIT GOAL: The student will be able to identify the elements of both inappropriate and appropriate traffic stops.**

##### 3.1.1 **LEARNING OBJECTIVE: The student will be able to identify elements of a racially-motivated traffic stop.**

- A. Most race-based complaints come from vehicle stops, often since race is used as an inappropriate substitute for drug courier profile elements
- B. "DWB" – "Driving While Black" – a nickname for the public perception that a Black person may be stopped solely because of their race (especially with the suspicion that they are a drug courier), often extended to other minority groups or activities as well ("Driving While Brown," "Flying While Black," etc.)
- C. A typical traffic stop resulting from racial profiling
  1. The vehicle is stopped on the basis of a minor or contrived traffic violation which is used as a pretext for closer inspection of the vehicle, driver, and passengers
  2. The driver and passengers are questioned about things that do not relate to the traffic violation
  3. The driver and passengers are ordered out of the vehicle
  4. The officers visually check all observable parts of the vehicle
  5. The officers proceed on the assumption that drug courier work is involved by detaining the driver and passengers by the roadside
  6. The driver is asked to consent to a vehicle search – if the driver refuses, the officers use other procedures (waiting on a canine unit, criminal record checks, license-plate checks, etc.), and intimidate the driver (with the threat of detaining him/her, obtaining a warrant, etc.)

##### 3.1.2 **LEARNING OBJECTIVE: The student will be able to identify elements of a traffic stop which would constitute reasonable suspicion of drug courier activity.**

- A. Drug courier profile (adapted from a profile developed by the DEA)
  1. Driver is nervous or anxious beyond the ordinary anxiety and cultural communication styles
  2. Signs of long-term driving (driver is unshaven, has empty food containers, etc.)
  3. Vehicle is rented
  4. Driver is a young male, 20-35

5. No visible luggage, even though driver is traveling
  6. Driver was over-reckless or over-cautious in driving and responding to signals
  7. Use of air fresheners
- B. Drug courier activity indicators by themselves are usually not sufficient to justify a stop

**3.1.3 LEARNING OBJECTIVE: The student will be able to identify elements of a traffic stop which could constitute reasonable suspicion of criminal activity.**

- A. Thinking about the totality of circumstances in a vehicle stop
- B. Vehicle exterior
1. Non-standard repainting (esp. on a new vehicle)
  2. Signs of hidden cargo (heavy weight in trunk, windows do not roll down, etc.)
  3. Unusual license plate suggesting a switch (dirty plate, bugs on back plate, etc.)
  4. Unusual circumstances (pulling a camper at night, kids' bikes with no kids, etc.)
- C. Pre-stop indicators
1. Not consistent with traffic flow
  2. Driver is overly cautious, or driver/passengers repeatedly look at police car
  3. Driver begins using a car- or cell-phone when signaled to stop
  4. Unusual pull-over behavior (ignores signals, hesitates, pulls onto new street, moves objects in car, etc.)
- D. Vehicle interior
1. Rear seat or interior panels have been opened, there are tools or spare tire, etc.
  2. Inconsistent items (anti-theft club with a rental, unexpected luggage, etc.)

## Resources

Proactive Field Stops Training Unit – Instructor's Guide, Maryland Police and Correctional Training Commissions, 2001. (See Appendix A.)

Web address for legislation 77R-SB1074:

<http://tlo2.tlc.state.tx.us/tlo/77r/billtext/SB01074F.htm>



# Appendix A

## Maryland Training Unit on Proactive Field Stops

Law Enforcement Training Course

**TRAINING UNIT**  
**PROACTIVE FIELD STOPS**

INSTRUCTOR GUIDE



Developed by the  
Maryland Police and Correctional  
Training Commissions

## NOTICE

Due to the dynamic nature of law enforcement and the impact of court decisions and statutory changes on police and correctional operations, it is important that each department review this information to verify that it is consistent with current federal, state and local law and regulations, and with departmental policy and procedure. This information is not intended to substitute for the advice of legal counsel. You should speak with your legal advisor about the sufficiency of your department's manual, policy, curriculum, and training program. This material should not be used as the sole basis for compliance with any law or regulation, and departments should not rely on this material as a legal defense in any civil or criminal action. The Police & Correctional Training Commissions have compiled and distributed this information as a guide for the individual departments, and are not responsible for the content and delivery of this material by other departments

TRAINING UNIT  
Proactive Field Stops

### TRAINING OBJECTIVES:

Examine the phenomenon of alleged racial profiling by law enforcement, particularly the tactic of using traffic stops as a pretext to investigate suspected criminal activity.

Review the constitutional issues surrounding the use of police field stops to deter crime and apprehend known criminal offenders, including relevant US Supreme Court and Maryland decisions.

Discuss effective techniques for conducting lawful field stops of suspects operating motor vehicles and suspects on the street.

### MPTC OBJECTIVES:

None identified at this time.

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ISSUE DATE: May 21, 2001

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TRAINING UNIT  
Proactive Field Stops

I. Racial Profiling – A Background

“To stop and search an individual simply because of his race, gender, or economic level is unlawful as well as *unconstitutional, and should not be tolerated in any police organization.*”

Superintendent David Mitchell  
Maryland State Police

- A. In its broadest sense, racial profiling by law enforcement officers is the practice of some officers to stop, search, and investigate minorities, both on the street and while traveling in vehicles, based solely on their racial or ethnic background, rather than on their actions.
- B. The perceived police practice of stopping and searching vehicles operated by African Americans, especially those that are suspected of being drug couriers, had been termed “Driving While Black,” or “DWB.”
- C. “DWB” has likewise been expanded to mean “Driving While Brown,” —the ethnic profiling of Hispanic-Americans.
- D. This perception by some African Americans that they are unfairly and unjustly singled out by police as criminal suspects has been widely publicized by the national and local media.
- E. Racial profiling is any police street or traffic stop, based solely on racial or ethnic stereotypes that has the end result of treating minorities significantly differently than non-minority citizens. This volatile issue can effectively polarize police agencies and the communities they serve.
- F. The majority of complaints alleging racial profiling follow vehicle stops by police.
- G. These vehicle stops are usually the result of police drug interdiction efforts and they occur typically along interstate highways that are considered to be major drug transport corridors.



- H. In the Mid-Atlantic area, Interstate-95 has been the source of the majority of complaints about this practice, particularly those sections of I-95 in Maryland.
- I. Typically, the traffic stop is for a traffic violation, which is actually a pretext for the purpose of conducting a search of the vehicle for drugs or other narcotic-related contraband.
- J. Allegations of racial profiling during a vehicle stop may roughly follow this pattern:
1. On the basis of a real or contrived traffic violation, the suspect vehicle is stopped by the police.
  2. The driver and occupants are subjected to verbal inquiries that are not necessarily related or pertinent to the purported traffic violation that was the basis for the stop.
  3. The driver and other occupants are ordered out of the vehicle.
  4. The police will visually check all observable areas of the interior of the vehicle.
  5. Based on their questioning of the occupants and their visual observation of the vehicle, the police, acting on their perception of a drug courier profile—which is actually an investigative template—may detain the driver and occupants by the roadside for further investigation.
  6. The driver is requested to accede to a consent search of the vehicle.
  7. If consent to search the vehicle is denied, the police will usually conduct a peripheral investigative (and delaying) tactic, such as summoning a drug-detection dog to the scene, or conducting time-consuming wanted and criminal record checks on the vehicle and all occupants.
  8. The key element in this process is the consent search, since this is the means by which the police will successfully accomplish a drug interdiction effort.
  9. If the driver refuses to consent to a search of the vehicle, intimidation may be applied. The police may threaten to detain the driver (for several hours) until they obtain a search warrant, or otherwise allude to some other delaying or harassing action, even intimating the arrest of occupants and the towing and impounding of the vehicle.

- K. Drug courier profiles originated with the Drug Enforcement Administration (DEA) in the early 1970's, and were originally used at airports, train stations, and bus depots. The characteristics of DEA courier profiles were behavioral-based:
- Unusual nervousness of suspect
  - Payment of ticket in cash
  - Traveling to or from a drug-suspect destination
  - Traveling under an alias
  - Carrying little or no luggage
  - Immediate use of telephone after destination arrival
  - Leaving a false call-back phone number with ticket agent
  - Excessive travel to drug-source or distribution locales
- L. In 1986, the DEA instituted "Operation Pipeline," a highway drug interdiction program, which has since trained state and local police agencies in the use of pretext traffic stops in order to find drugs in vehicles. The techniques suggested by the DEA include the following clues, or indicators of highway drug smuggling:
- Use of car air fresheners to discourage drug-sniffing canines
  - Overt signs of driving long hours without stop, such as food wrappers and beverage cans in the car, days-old facial beards, and disheveled clothing
  - Use of rental vehicles
  - Driver is a young male, usually 20-35 years; the age group which experience has shown to be the most likely drug courier.
  - No visible luggage in the vehicle
  - Driver attempted to avoid or elude the police by operating either recklessly, or even overly-cautiously
  - Unusual driver nervousness and anxiety
- M. The DEA and local police agencies vigorously deny that race or ethnicity is a factor in drug courier profiles. These agencies say they neither teach nor condone racial profiling. If and when it does occur, they infer it is the result of over-zealous or errant officers, the proverbial "bad apples" or "rogue cop" cliché.
- N. Various national civil rights organizations have claimed otherwise. The American Civil Liberties Union (ACLU), has taken the lead in combating alleged racially-biased traffic stops by instituting civil litigation against suspect police agencies, sometimes successfully.
- O. According to the ACLU, pretextual stops are legal deceptions because the alleged traffic violation is not the real reason the officer stopped the car. They note that this becomes obvious when the officer begins to question the occupants and requests consent to search the vehicle. If the stop was really for a traffic violation, they argue, there would be no need for a roadside interrogation or a search.

- P. Pretextual stops that are presumably based solely on the race or ethnicity of the driver and/or passengers, are problematic and are the center of the controversy.
- Q. The US Supreme Court, in *Whren v. United States*, 517 U.S. 806, 116 S. Ct. 1769 (1996), has approved the use of pretextual traffic stops when the officer has observed a traffic violation or has probable cause to believe that criminal activity has been, or is, taking place.
- R. There is an increase in law enforcement agencies being confronted with civil litigation alleging bias traffic stops by their officers, i.e., that their officers are acting primarily in response to a citizen's race or ethnicity, rather than the citizen's actions.
- S. While it is appropriate to use race as an identifying characteristic, such as in a description of a wanted suspect, police cannot utilize a criminal profile based solely on race or ethnicity, nor can police use race or ethnicity as the sole basis for a traffic or street stop. To do so is the crux of racial profiling.
- T. Simply put, racial or ethnic bias has no place in progressive law enforcement, regardless of past practices. Traffic stops and street field inquiries must always be performed in a totally impartial, fair-minded, and professional manner. Police cannot effect a pretextual traffic stop solely on the basis of the race of the driver or occupants.

Police cannot ascribe certain behavior traits to a person or a group merely on the basis of 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 on the basis of what people do, not on what they look like.

## II. Law Enforcement Profiling – Viewpoints

- A. The alleged practice of racial profiling in law enforcement assumes that most drug offenses, particularly distribution and sales, are committed by minorities—predominantly African Americans and Hispanics. It follows, that when police specifically look for drug violations among African Americans and Hispanics, they'll find them in disproportionate numbers.
- B. On the other hand, civil rights activists challenge the claim that criminal profiling is disproportionately committed by young minority males. They rationalize that because police concentrate aggressive crime suppression tactics primarily in minority communities, they will, as expected, stop, investigate, and arrest a disproportionate number of minority men.

- C. Despite this unintended “targeting” effect of profiling, profiling itself is not necessarily a biased concept. Everyone “profiles,” although some might call it stereotyping. We profile when we make a major purchase, pick our friends, or select a school for our kids. Arguably, profiling can be considered an intrinsic part of the human experience.
- D. A profile is a set of characteristics which we arbitrarily ascribe to human behavior or to a social situation, and by which we judge, evaluate, and categorize people, places, and things. These characteristics are derived from our life experiences, and are applied either consciously or subconsciously.
- E. Profiling, as a criminal investigation tool, is naturally derived from our work experiences as law enforcement officers. We intuitively form insights regarding people we professionally interact with, particularly the criminal element. From these associations, we develop a mental profile of certain characteristics that are habitually associated with specific acts of criminal behavior.
- F. Essentially, MO, or methods of operation, and criminal profiles are closely related concepts. Based on a criminal’s MO, an experienced and insightful investigator, particularly a specialist, can usually formulate a reasonably accurate profile of the perpetrator.
- G. The heart of the subject controversy is whether law enforcement agencies can legitimately use race, either exclusively, or as one of several factors in devising criminal profiles for suppression of street crime, and particularly, for drug courier interdiction on highways.
- H. Law enforcement officials, including some African American police chiefs in big cities, defend such tactics as an effective way to target their limited resources on likely lawbreakers. They maintain that profiling is based not on prejudice, but probabilities—the statistical reality that young minority men are disproportionately likely to commit (and be the victim of) crimes.<sup>1</sup>
- I. Bernard Parks, Chief, Los Angeles, CA PD, argues that racial profiling is rooted in statistical reality, not racism. Chief Parks, who is African American, vigorously defends the idea that police can legitimately factor-in race when building a profile of a criminal suspect.<sup>2</sup>
- J. Reuben Greenberg, Chief, Charleston, SC PD, who is also Black, sees the problem as “...white cops who are so dumb that they can’t make a distinction between a middle-

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<sup>1</sup> Jeffrey Goldberg, “What Cops Talk About When They Talk About Race,” *The New York Time Magazine*, 20 June 1999, p. 50-57, 64-65, 88.

<sup>2</sup> *Ibid.*

class Black and an under-class Black, between someone breaking the law and someone just walking down the street. Black cops too.”<sup>3</sup>

- K. The International Association of Chiefs of Police (IACP) maintains that proactive police traffic stops, based on legitimately-observed and articulable violations will:
- Reduce motor vehicle accidents
  - Identify and deter drunk drivers
  - Prevent and abate criminal activity
- L. The IACP notes that studies have shown that more illegal guns are seized through traffic stops than any other enforcement action and that the DEA estimates that 40% of all drug arrests result from traffic stops.
- M. The problem with racial profiling, is that it is not only capricious, it is also inaccurate. It randomly targets all minority men, the innocent as well as the criminal, including many middle-class professionals, based solely on their race or ethnic origin, who are arbitrarily stopped, detained, questioned, and humiliated by this practice, often repeatedly.
- N. Whatever gains law enforcement derives from profiling are vastly outweighed by the negative social costs incurred, principally the erosion of trust and confidence in the criminal justice system in this country by minorities.

### III. Constitutional Issues

A. Two U.S. Supreme Court decisions impact proactive field stops. *Whren v. United States*, 517 U.S. 806, 116 S.Ct. 1769 (1996) for traffic stops, and *Terry v. Ohio*, 392 U.S. 1, 88 S. Ct. 1868 (1968) for street field interviews.

#### B. *Whren v. United States*

1. In *Carroll v. United States*, 267 U.S. 132,153 (1925), the Supreme Court established the motor vehicle search exception to the warrant requirement. This decision permitted police to search a vehicle without a warrant when they had probable cause to believe it contained contraband or evidence of a crime. The mobility of a motor vehicle was a factor in this decision.
2. In 1996, the US Supreme Court held unanimously in *Whren v. United States*, that as a general matter, the decision to stop a motor vehicle is reasonable when the police have probable cause to believe that a traffic violation has occurred.

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<sup>3</sup> Ibid.

3. The Court noted in *Whren*, that the constitutional reasonableness of the stop does not depend on “ulterior motives,” “actual motivations,” or “subjective intentions” of the officer making the stop.
4. In effect, the United States Supreme Court approved the practice of police using a traffic violation to justify a traffic stop, even when the purpose of the police was to conduct an investigation into suspected criminal activity not necessarily related to the traffic violation.
5. The Court, while declaring that such stops do not violate the Fourth Amendment, did allow that allegations of unlawful selective enforcement (stops based solely on race or ethnicity) could be challenged civilly under the equal protection clause of the 14<sup>th</sup> Amendment.

### C. *Terry v. Ohio*

1. *Terry v. Ohio* was a landmark Supreme Court case that established the Stop & Frisk doctrine, and outlined the Supreme Court’s guidelines for investigative stops.
  2. The Court held that police may, in certain circumstances, approach and stop a person for the purpose of investigating possible criminal behavior, even when there is not enough probable cause to make an arrest.
  3. Under *Terry*, a police officer may stop and briefly detain a person only if the officer has a reasonable suspicion, supported by articulable facts, that the individual may be involved in criminal activity.
  4. The Court also held that under certain circumstances, the person stopped could also be “frisked,” in that the police could conduct a limited search, or “pat down”, of the individual’s outer clothing to discover the presence of any weapons.
- D. These decisions permitted a wide latitude of individual police discretion in stopping and investigating citizens operating motor vehicles, standing on a corner, or walking down the street.
- E. Obviously, discretion is a critical part of the police task and police work grants front-line officers an enormous amount of autonomy in decision-making. In this sense, police discretion can be defined as making judgmental decisions based on several factors, such as:
- Laws and ordinances

- Agency policies and procedures
  - Training
  - Job knowledge and experience
  - Personal values and beliefs
  - Work group norms
  - Community mores and customs
- F. Police work, by its very nature, however, can be driven by a single-minded determination to just getting the job done; an ends justify the means attitude. This is personified by the old cop adage: “Do something—take some kind of action—even if it’s the wrong thing.”
- G. When this macho, action-oriented mindset is coupled with wide-ranging autonomous and loosely-supervised discretion, the potential for police abuse of power is considerably magnified.
- H. For some officers, the ends, or objectives, have become so important to them, that they will resort to using borderline means or risky shortcuts to accomplish what *they* think is right and proper, regardless of what the law requires or what their agency policies dictate.
- I. In time, this “ends justify the means” outlook evolves into an “us versus them” approach to law enforcement; a cynical, and self-serving personal assessment of the officer’s relationship to the citizenry he or she is sworn to protect.
- J. Whatever the individual police officer may personally think about crime, criminals, and the law, he or she must perform their duty in a competent and fair-minded manner.
- K. Competence and fairness are the keys to professional police work, especially in confronting citizens in proactive field stops; anything less is ethically and professionally unacceptable.
- L. To validate and justify a traffic stop or a street field interview, you must be capable of reasonably and intelligently articulating, verbally and in writing, the basis for the stop. In order to stop a vehicle, for instance, a police officer must be able to explain that a traffic violation or a criminal act had occurred.
- M. Articulating simply means you must be able to persuasively explain or demonstrate to a court that you had probable cause to stop the vehicle or person in the first place, and that you had reasonable suspicion for any further detaining or investigative actions you conducted following the stop.
- N. Reasonable suspicion is something less than probable cause, but is more than a vague suspicion, an unexplainable hunch, or a “gut feeling.” If you can’t articulate the

reason(s) for the stop, you probably don't have grounds for a legal stop in the first place.

O. Other Significant Cases:

1. *Pennsylvania v. Mimms*, 434 U.S. 106, 98 S.Ct. 330 (1977) A US Supreme Court decision which allows an officer to order the driver out of a vehicle following a lawful traffic stop. The Court decided this case on the basis of officer safety, and cited a study that revealed 30% of police shootings occurred when officers approached suspects in vehicles.
2. *Maryland v. Wilson*, 117 S.Ct. 882 (1997) This US Supreme Court decision permits officers to order passengers out of a vehicle following a lawful traffic stop pending the completion of the stop.
3. *Graham v. State*, 119 MdApp 444, 705 A.2d 82 (1998) Passenger is "seized" for purposes of the 4<sup>th</sup> Amendment when he is ordered to remain in a car stopped for speeding while officer checks the driver's license and registration. Continued detention of passenger *after* purpose of stop is accomplished is unreasonable, unless there is reasonable, articulable suspicion to justify continuing the detention. (driver's license proved invalid, driver was arrested, yet passenger ordered to remain in the car after driver's arrest to wait 25 minute for a K-9 unit).
4. *Pryor v. State*, 122 Md.App. 671 (1997), *cert. denied* 352 Md. 312, 721 A.2d 990 (1998) (other citations omitted) The 4<sup>th</sup> Amendment permits the warrantless search of an automobile when there is probable cause to believe that the automobile contains contraband or evidence of criminal activity.. Note: there is no separate "exigency requirement" for the automobile exception to apply; probable cause alone satisfies the automobile exception to the 4<sup>th</sup> Amendment's warrant requirement. *Maryland v. Dyson*, 527 U.S. 465, 119 S.Ct. 2013 (1999)(*per curiam*).
5. *Ferris v. State*, 355 Md. 356, 735 A.2d 491 (1999) The officer's purpose in an ordinary traffic stop is to enforce the laws of the roadway, and ordinarily to investigate the manner of driving with the intent to issue a citation or warning. Once the initial purpose of that stop has been fulfilled, the continued detention of the car and the occupants amounts to a second detention. Once the underlying basis for the initial traffic stop has concluded, a police-driver encounter which implicates the 4<sup>th</sup> Amendment is constitutionally permissible only if (1) the driver consents to the continuing intrusion; *or* (2) the officer has, at a minimum, a reasonable, articulable suspicion that criminal activity is afoot. *Ferris v. State*, 355 Md. 356, 735 A.2d 491 (1999). For example:



Officer stopped driver stopped for suspected violations of motor vehicle laws, and continued to briefly detain him after learning that the license and registration were in order. Court found that officer harbored no more than a “hunch” that the driver possessed drugs, and that the continued detention was not independently supported by reasonable suspicion of criminal activity. Therefore, drugs subsequently found in the vehicle were suppressed. *Munaf v. State*, 105 Md.App. 662, 660 A.2d 1068 (1995).

Trooper issued driver a traffic citation, returned driver’s license and registration documents, and then asked driver if he would mind exiting his vehicle and stepping to the rear to answer a few questions. After several questions, driver admitted to smoking and possessing pot. Pot was suppressed because court found trooper had insufficient reason to justify continuing the encounter after issuing citation. *Ferris v. State*, 355 Md. 356, 735 A.2d 491 (1999).

In meeting the reasonable articulable suspicion standard, it is not enough for officers to articulate reasons why they stopped someone if those reasons are not probative of behavior in which few innocent people would engage. The factors together must serve to eliminate a substantial portion of innocent travelers before the requirement of reasonable suspicion will be satisfied; officers’ assertions that a criminal activity is indicated by “garden variety nervousness” must be treated with caution. *Ferris v. State*, 355 Md. 356, 735 A.2d 491 (1999) (other citations omitted).

6. *New York v. Belton*, 453 U.S. 454 (1981) Allowed that police may conduct a full search of a vehicle’s passenger compartment incidental to a custodial arrest of an occupant. A full search would not, however, be permitted in those situations where the officer merely issued a citation.

#### P. Consent Searches:

1. The two prerequisites for a valid consent search of a vehicle (or anything else) are:
  - a. The consent must be given voluntarily, and
  - b. The consent must be given by a person with authority.
2. Because consent is a critical exception to the search by warrant requirement, the State (the police officer) bears the burden of proving both these prerequisites.
3. The consent given be must be free and voluntary. Any appearance of coercion may void the search. A arrestee in custody is seen by the courts to be

susceptible to duress and coercion and the courts will closely examine the voluntariness of any consent given by an arrested person.

4. Numerous officers on the scene may be perceived as a coercive situation to the average person.
5. Similarly, the person consenting to the search must have the legal authority to grant the consent. Again, it is the investigating officer's responsibility to determine authority. From a legal perspective, control and access count for more than ownership.
6. The consent search of a vehicle:
  - a. Will usually include all containers in the vehicle unless the consenting person exempted consent for those specific items or areas.
  - b. The search must be restricted in scope to the area where consent was given. In other words, a person may consent to a search of the passenger area, but not the trunk.
  - c. The request for consent must be in the form of a request, not a command.
  - d. The person must clearly understand what he or she is agreeing to when their consent is requested.
  - e. Police are not constitutionally required to inform citizens that they are free to leave before getting consent to search a motor vehicle, but by not doing so, the constitutional validity of any further investigation would be imperiled. *Ferris v. State*, 335 Md 356, 735 A.2d 491 (1999).
  - f. It is recommended, however, that the driver's license and registration be returned, along with any other documents, including a citation, if one was issued, before consent to search is requested, to dispel any impression on the driver's part that he or she is still detained.
  - g. The consent to search may be withdrawn at any time during the search.
7. Consent Form or Waiver:
  - a. Most law enforcement agencies have a pre-printed form with which a person can sign to indicate that they consented to a search of their vehicle, home, or possessions. Some consent forms are printed in multiple languages.
  - b. It would be very beneficial if officers can persuade the responsible individual to read and sign their agency consent form.
  - c. Note: It is not unusual for suspects to verbally agree to a consent search, but decline to sign a consent form. If incriminating evidence or contraband is later found, they can then deny that they ever verbally consented to a search.

- d. To preclude this scenario, officers should obtain the verbal consent on tape if an in-vehicle or tape recorder is available. Lacking that, have your back-up officer available to witness the verbal consent agreement.

NOTE: You cannot tape-record in Maryland with the knowledge, and consent, of the other person.

8. When conducting a consent search of a vehicle, always have a back-up officer on the scene for your own safety. You cannot conduct an effective vehicle search and keep an eye on someone at the same time.
9. The question always arises—why would anyone with something to hide, especially of an illegal nature, willingly allow the police to search their vehicle or possessions? Usually for the following reasons:
  - No. 1 Reason – They believe the stuff (drugs, weapons, stolen property, etc.) will be overlooked.
  - No. 2 Reason – They think their consent will be looked on favorably by the courts. They want to appear cooperative (!)
  - If anything incriminating is found, they feel like they can deny any knowledge or personal involvement with it, or otherwise explain it away.
  - They think they've been caught and simply give up.

#### IV. Interpersonal Communication: The Key Ingredient

- A. Effective communication skills can be a police officer's most important attribute. This is particularly so when engaged in a traffic stop or a field interview on the street. A few particulars...:

1. Approach the citizen in a open, friendly manner if at all possible. Keep your body language assertive, but non-hostile. If appropriate, introduce yourself.
2. Remember, the key elements in any stop are civility and caution. Sometimes it's difficult to be courteous, but you should always be civil.
3. Tell the citizen why you stopped him. Unless it's patently obvious, the citizen has a right to know and you are professionally obligated to inform him, without any hostility or posturing on your part.
4. Avoid any excessive small-talk or inappropriate questioning.

5. Be brief and to the point. Don't detain anyone beyond the time needed to effect the necessary enforcement action or otherwise clarify a situation.
6. Keep your physical, or non-verbal indicators friendly and neutral, such as your:
  - Eye contact
  - Stance
  - Position of hands
  - Facial expression
7. According to studies conducted in several states, the number one citizen complaint about police officers is the officer's *verbal conduct*. By comparison, only about one-fourth of the complaints filed against police officers dealt with excessive force issues.
8. Speak civilly and in a moderate tone. Citizens seem more concerned about *how* officers speak to them, than by what the officer actually says. Citizens are particularly aggrieved by what they perceive as an officer's gruff or condescending tone of voice.
9. Listen actively. Communication is a two-part process and listening is the other half. Regardless of the type of person you're dealing with, stay focused and concentrate on what they're saying (...or not saying).
10. Sgt. Larry E. Capps, of the Missouri City, Texas PD, has coined a police-citizen interaction dynamic, appropriate for this discussion, which he calls CPR, for:
  - a. Civility – A state of affairs characterized by tolerance, kindness, consideration, and understanding. Civility can be expressed by positive action, or even inaction, as when police officers refrain from over-reacting to verbal outbursts from angry citizens.
  - b. Professionalism – In a broad sense, a concept of excellence or a continual striving for excellence. Its core elements include technical knowledge, moral judgements, a client-oriented practice, considerable discretion given to practitioners, and most importantly, an acknowledgement that policing is a “moral call” profession, in which members are duty bound to respond, whenever and wherever called, regardless of who calls them.

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<sup>4</sup> Larry E. Capps, "CPR: Career-Saving Advice for Police Officers," *FBI Law enforcement Bulletin*, July, 1988, Washington, DC, p. 14-18.

- c. Restraint – The self-control exercised by officers and their selection of the least intrusive means of accomplishing a legitimate police objective.

11. Some officer best-practices for vehicle stops:

- a. Always inform the driver of the reason for the stop. Speak slowly and clearly.
- b. Describe the violation in terms of what the vehicle is doing, not what the driver did. This non-accusatory approach can often enhance officer-driver rapport.
- c. Ask the driver for the reason for the violation; allow them to vent/offer a stress-reducing explanation.
- d. Provide instructions. After you obtain their license and registration, tell them that you are going back to your police vehicle to review their documents and advise them to remain in their vehicle.
- e. Calm any children in the stopped vehicle that may be visibly apprehensive of the presence of a police officer.

12. Again, it's worth repeating: Proactive traffic enforcement that is race or ethnic-based is neither legal: consistent with democratic ideals, values, and principles of American policing; nor in any way a legitimate and defensible public protection strategy.<sup>4</sup>

13. Use the *but/for* test to determine if a stop was based on racial profiling. Say to yourself, *But for this person's race, ethnic heritage, gender, religious or sexual preference, would this driver have had this encounter with me?* If the answer is that they would not, then this was a profile stop and most likely a violation of the person's Constitutional rights.<sup>5</sup>

V. Proactive Field Stops – Motor Vehicles

- A. You've heard it before; we'll say it again: "There's no such thing as a routine traffic stop." You, the cop, are at a distinct disadvantage during any traffic stop. The driver knows who you are, but you don't know who he is.
- B. All your survival skills and street instincts should be highly focused during a traffic stop, no matter how innocuous or minor it may seem.
- C. Again, you must be able to articulate that a traffic violation or criminal act has occurred in order to stop a vehicle. You cannot stop a car on a whim, or a hunch, or just because you're bored. Discretionary stops are violations of the Fourth

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<sup>4</sup> US Department of Justice, NHTSA, *Strengthening the Citizen and Police Partnership at the Traffic Stop: Professionalism is a Two-Way Street*, (Draft) Washington, DC, Aug. 14, 2000, p. 8.

<sup>5</sup> *Ibid.*

Amendment and/or the Fourteenth Amendment because they are arbitrary, intrusive, and discriminatory.

- D. Unless it's an emergency situation, you should not attempt to stop a vehicle if you're in plainclothes and/or operating an unmarked vehicle. Always request a marked patrol vehicle to make the stop for you.

Note

Does this all sound like basic cop stuff you learned back at the Academy and at those dreary and redundant In-Service training sessions? Does a salty, veteran, street cop like yourself need to sit thru all this sermonizing again? Consider this, FBI stats indicate that vehicle stops, nationally, over a 10-year period, account for about 11 percent of all peace officers feloniously killed or assaulted. Are you fairly comfortable with one-in-ten odds, Officer, ...well, are you?

- E. It is not the purpose of this training unit section to tell you how to make a traffic stop. Traffic stop procedures and techniques constitute a training category all their own. We'll cover a few priority highlights that are particularly pertinent for a patrol officer working solo:

1. Select a stop location that will best allow you to deal safely and effectively with the motorist.
2. Position your police vehicle about 30-40 feet behind the stopped vehicle and aim your spotlight at the interior rear mirror of the stopped vehicle
3. Park your police vehicle at an angle to the stopped vehicle and position your vehicle engine block as cover, ...just in case.
4. Notify your dispatcher of the stop location, vehicle description and license—Always!
5. If doable, get a stolen check on the vehicle before approaching. You can obtain a vehicle registration listing later.
6. If circumstances are less than desirable, or if something seems suspicious or amiss, approach the vehicle from the right-hand, or passenger side, especially when:
  - You're working solo
  - You're in a rural or deserted area
  - During darkness or in a low-light area
  - More than one person is in the stopped vehicle

- You're on a high-traffic roadway
7. If the driver or occupants exit the stopped vehicle right after the stop, exit your police vehicle also, especially if they start walking toward you. Be the first out of your vehicle. You don't want to be behind your steering wheel and secured in your seat belt if a fire fight erupts.
  8. Remember: Your initial approach toward the vehicle and your first contact with the driver is the most dangerous stage of a traffic stop. Make your approach slowly and stop and push down on the trunk lid of the stopped vehicle to ensure it is locked. Ask the driver to turn on the dome light.
  9. Ask drivers where they keep their operator's permit and vehicle registration. This will allow you to anticipate the driver's movements and might decrease your reaction time in the event something goes wrong.
  10. Note: Push down on the trunk with your bare hand to mark and leave your handprint on the vehicle, in case the vehicle has to be identified at a later time (...and if you're not around to do it).
  11. Important: If something doesn't look or feel right, back-off and call for a back-up unit, and then wait for it. Trust your instincts.
  12. Never place yourself within arms-reach of the driver or any occupant of the stopped vehicle, and keep your gun hand free. Don't lean into an occupied vehicle for any reason.
  13. Don't walk or position yourself in front of or behind the stopped vehicle, or between your police vehicle and the stopped vehicle, and don't cross in front of your headlights when approaching the stopped vehicle.
  14. Don't allow any unknown suspect to sit in your patrol vehicle, certainly not without being searched. It's a bad practice; they can hear your radio transmissions and there are weapons within easy reach. Just don't do it!
  15. Don't turn your back to any of the occupants of a stopped vehicle, or otherwise allow yourself to be distracted and lose visual contact with a suspect. This is the cardinal rule governing any cop-suspect interaction.
  16. If you have to return to your police vehicle for any reason during a traffic stop, it may be preferable to sit in the right-front seat as this position will offer you greater bail-out options in the event something goes badly wrong.
  17. Be aware of the possibility that the vehicle you stopped was a "load" vehicle carrying valuable contraband and that there may be an "escort" vehicle

following or preceding the vehicle you have stopped. Be very observant of any vehicles that stop on the roadway in front of, or behind the vehicle you have stopped.

## VI. Proactive Field Stops – Street Interviews

- A. Maryland has recently ruled that police accosting a citizen is a viable law enforcement tool, as long as the encounter remains voluntary, i.e., that the citizen feels free to walk away. However, a seizure occurs when police indicate that compliance with their requests is required, such that the reasonable person would no longer feel free to walk away. *Reynolds v. State*, 130 Md.App. 304, 746 A.2d 422 (1999), *cert. denied* \_\_Md.\_\_, \_\_A.2d\_\_ (April 13, 2000) (citizen accosted responded to officer's questions, answers yielded no reasonable articulable suspicion or probable cause; ensuing 5-minute wait - in silence - for results of warrant check was excessive and unreasonable because it was unsupported by reasonable suspicion or probable cause).
- B. The street field interview involves a police officer stopping a person or persons on the street, purposely to question, and sometimes to search them, because the officer has a reasonable suspicion that they may have been engaged in criminal activities.
- C. Like their companion traffic stops, however, street field interviews, particularly in high-crime, disadvantaged neighborhoods, have been the cause of minority-community complaints, alleging that the police are indifferent to, and abusive of the civil rights of minority citizens.
- D. Aggressive field stops and searches, especially by quasi-military, police tactical units in minority communities, have created a highly negative and unfavorable image in the media, as witness the recent NYPD street unit encounters with Amadou Diallo and Patrick Dorismond, which resulted in the shooting deaths of both men, under highly questionable circumstances.
- E. On the plus side, street field interviews are a proven and verifiable anti-crime tactic, in that they:
  - Are acceptable to the general public when conducted at moderate levels
  - Deter at-risk individuals from criminal and delinquent behavior
  - Identify and lead to the arrest of known criminal offenders
  - Identify possible witnesses and informants
  - Provide intelligence from both criminal and non-criminal sources
- F. Street field interviews should not be used to harass or intimidate citizens, regardless of their appearance, background, or perceived criminal propensity.
- G. The stop should be reasonably brief to clarify the situation.



- H. The person stopped should be addressed civilly and be advised of the reason for the stop and any subsequent questioning.
- I. The investigating officer may conduct a patting-down (Stop & Frisk) of the suspect's outer garments if the officer has reasonable suspicion to believe that the suspect has a weapon and may pose a physical danger to the officer or to other citizens.
- J. All street field stops should be minimally documented on the officer's note book, run sheet, or daily activity report. A Stop & Frisk should be permanently documented by a field report, accompanied by an agency complaint number.
- K. It is the policy of many departments to issue a receipt to the person being stopped that indicates the purpose and result of the stop.
- L. Appropriate targets for street field stops include, but are not necessarily limited to the following types:
- People who don't fit the surroundings
  - Known criminals and delinquent youths
  - Homeless and "street" people, including suspected addicts
  - Persons acting in a manner indicative of criminal or suspicious behavior
  - Unfamiliar juveniles and minors
  - Loiterers, individually or in groups
- M. Again, caution and civility are the guidelines for a street stop and field interview.
- N. As with traffic stops, the indiscriminate stopping and questioning of citizens is an abuse of police power and is a clear infringement on the personal liberty of citizen to move about freely.
- O. Unlike a traffic stop, probable cause is not required to effect a street stop, merely reasonable suspicion. Reasonable suspicion need not depend solely on the observed actions of the suspect, but the totality of circumstances, which may include the following elements:
- The surrounding neighborhood
  - The time of day
  - Prior knowledge of the individual
  - Information received from another source
- P. Again, the officer must be capable of articulating the elements that led to a valid presumption of reasonable suspicion in the officer's thinking.

- Q. A lawful stop does not alone justify a frisk. The investigating officer must have a reasonable belief that the stopped suspect has a weapon and poses a danger to the officer or to others. You must be able to independently justify the frisk.

## VII. Conducting Effective Vehicle Stops

Note:

The preponderance of the material contained in this section was taken from the National Highway Traffic Safety Administration's manual titled: *Conducting Complete Traffic Stops*. This excellent law enforcement resource is available from the US Department of Transportation, 400 7<sup>th</sup> St. SW, Washington, DC, 20590. It is a highly recommended agency training resource.

### A. Traffic and Criminal Enforcement Mutuality:

1. An aggressive and proactive traffic enforcement program can be a highly effective means to both deter and detect criminal activities.
2. Law enforcement doctrine, in many jurisdictions, traditionally regards traffic enforcement as separate from, and often of lesser importance than criminal enforcement, particularly in regard to allocation and prioritization of agency resources.
3. Recent experience in several jurisdictions, both large and small, however, indicates otherwise. Using a proactive approach, supported by intensive training and effective supervision, traffic enforcement has been found to provide a solid base upon which agencies may increase and enhance their criminal enforcement effort.
4. Traffic enforcement is every patrol officer's responsibility, even when there is a specialized agency traffic unit. Patrol officers who know how to properly conduct investigative stops may account for more arrests than specialized anti-crime units.
5. Traffic enforcement can have a meaningful impact against roadway-related crimes, such as:
  - Car thefts and car jacking offenses
  - Fugitives and wanted persons
  - Drivers under the influence of drugs and alcohol
  - Drug transporters
  - Transporting stolen property and contraband (untaxed cigarettes and alcoholic beverages, pirated videotapes)

## B. Criminal-Activity Indicators:

1. The traffic stop must be based on a traffic violation or clear and articulable probable cause that the occupants of the subject vehicle are engaged in a criminal activity. Any traffic stop is a legal stop if there has been an observed violation of the law.
2. There are certain indicators, both verbal and non-verbal, that law enforcement officers, from experience, have identified as indicative or strongly suggestive of criminal activity by individuals operating vehicles. There are also vehicle appearance clues that suggest that the vehicle in question may be used in connection with unlawful purposes.
3. The mere presence of one or even a few indicators does not necessarily signify that the vehicle or the occupants are engaged in criminal behavior. They do, however, form part of the totality of circumstances on which the investigating officer can use as legal justification to further detain and investigate the vehicle and its occupant(s).

## C. Pre-Stop Indicators:

1. Vehicle is conspicuously driven too fast or too slow; not operated consistent with surrounding traffic flow.
2. Driver operates vehicle excessively carefully and guardedly.
3. Driver has repetitious eye contact through mirror with the following police car.
4. Passengers in vehicle continually turn around to glance at the following police car.
5. Driver begins using a car or cell phone when signaled to stop.
6. Suspicious pull-over behavior. When signaled to stop, the driver pretends not to see emergency lights or hear siren. Takes too long to pull-over; exhibits stalling or hesitant behavior, apparently to decide whether to run or not run, hide contraband, or concoct an alibi with passengers. May execute a U-turn or turn into a side street rather than pulling off to the side of the roadway.
7. Immediately after stopping, driver quickly exits vehicle and approaches the police car even before the officer can exit.

### C. Vehicle Exterior Indicators:

1. Car repainted in non-standard colors on specific models and signs of repainting, especially with a different color on a new vehicle.
2. Low rear end. May indicate a heavy cargo in trunk.
3. Windows won't roll down all the way. May indicate contraband secreted in door panels.
4. License plate light inoperable or very dark, tinted plastic covering the license plate.
5. Sticker and logo inconsistencies. School ID or business parking decals, etc. on vehicle don't coincide with occupants' appearance, background, and subsequent explanations.
6. License plates don't appear to go with the vehicle, e.g. clean vehicle, dirty plates. Fingerprints or dirt marks around plate, also, dead bugs on rear license plate, indicating the plate was once used on the front of a vehicle.
7. Pulling camper between 10 PM and 7 AM—they're probably not camping. Be aware of campers with kid's bikes but no kids.
8. Heavy duty air shocks, but no trailer hitch on the vehicle.
9. When approaching the vehicle, especially a van, following a stop, slide your hand along the rear fender to check for any vibration or movement indicative of suspects possibly hiding in the trunk or laying on the floor. Do this routinely on night stops, particularly if you noticed any suspicious or furtive movement in the passenger-area prior to the stop.

### D. Vehicle Interior Indicators:

1. Look for signs of extended, uninterrupted travel and a lived-in appearance—pillows, blankets, fast food wrappers, and paper cups.
2. Observe if the rear seat is out of position or unsecured.
3. Spare tire on back floorboards or on rear seat. Also, loose tools on the floor or seat, such as pry bars, dent pullers, and car jacks.
4. Cover-up odors—using air fresheners, garlic pods, cedar shavings, mustard, or kitchen and bathroom spray deodorizers.

5. Missing or unmatched screws and fasteners from the dash, door and side panels.
6. Vehicle door and window cranks and knobs missing or laying on the floor or seats.
7. Non-manufacturer's ignition key, especially in a new car. Also, single key in ignition, no trunk key visible. This may indicate a valuable cargo in trunk.
8. Large amount of cash in vehicle which can be observed as driver searches for operator's permit and vehicle registration from wallet, glove box, purse, or luggage. Also, zip-lock money bags in plain view.
9. Maps in plain view in the vehicle that are inconsistent with the ensuing driver's explanation.
10. The Club™ anti-theft device on a rental vehicle.
11. Luggage that is inconsistent with driver and occupants' explanations. Can be too much or too little luggage considering the trip length; even no luggage is questionable on a long trip.
12. Luggage and the spare tire stored in the passenger area; be inquisitive of the trunk's contents

E. Driver and Occupant Indicators:

1. Request a criminal history and wanted check on the operator of a vehicle that appears suspicious or irregular—Always!
2. Always ask the driver to recite the information of the operator's permit and the vehicle registration back to you from memory. Don't just read it to them and ask for their confirmation.
3. If registered owner of the vehicle is not present, ask the driver for information about this individual, including a phone number. Also ask any passengers if they know the names and address of the owner.
4. Ascertain if the passengers' explanations conflict with the driver, or if the explanations sound rehearsed. Be suspicious of questions that are directed at the driver that are answered by a passenger (or vice-versa).
5. Be aware of overly nervous passengers. The usual behavior is indifference, but not undue nervousness. This can be an indicator of illegal activity.

Note: If you ask passengers to identify themselves, they have the right to refuse.

6. Note any lack of movement among passengers, i.e. staying in one body position without change. They may be trying to conceal a weapon or contraband on the seat or floor.
7. Use care when occupants of a stopped vehicle fail to follow directions or appear to make “target glances” looking for escape paths, location of secreted contraband, or ways and means to attack the officer.
8. Look for rental vehicle irregularities i. e., inconsistencies in driver’s explanation and the rental contract.

*Note: In any situation with a suspicious person, observe if the suspect conducts concealed weapon movements, such as pulling shirt down or pants up to hide a weapon in his waistband. They will use their hands, forearms and elbows to “check” on a weapon location, usually after exiting from a vehicle or getting up from a sitting position (the same way police do when in plainclothes). Look for protrusions or bulges in clothing that may indicate a weapon.*

# Memorandum



DATE: February 10, 2017

TO: Honorable Members of the Public Safety Committee:  
Adam Medrano (Chair), B. Adam McGough (Vice Chair), Sandy Greyson, Tiffinni A. Young,  
Jennifer S. Gates, Philip T. Kingston

SUBJECT: **Administrative (Police) Reports**

## **NEW CASE PRESENTATION:**

**Control #2017-014**

**Council District: 2**  
**Involved Officers: (2) White Males**  
**Suspect: (1) White Female**

On January 18, 2017, at approximately 4:56 a.m., Officers #1 and #2, in full police uniforms and driving a marked police vehicle, responded to a suspicious person called in the rear parking lot of an apartment complex located in the 4700 block of Eastside Avenue. The individual who called 9-1-1 provided the dispatcher a description of the vehicle. The vehicle information was passed on to the responding officers also noting that the vehicle showed to have been stolen out of Irving, TX. As the officers approached the vehicle, giving loud verbal commands, the occupants ignored the commands and started the vehicle. The driver put the vehicle in reverse and drove a short distance, striking the marked police vehicle. The driver then drove forward, striking a wooden lattice fence. When the fence did not give way, the driver reversed the vehicle a second time. Officers #1 and #2 discharged their firearms, striking the driver. The driver was transported to Baylor Medical Hospital by Dallas Fire-Rescue where the driver was pronounced deceased. No officers were injured.

The passenger in the vehicle, who was not struck by the gunfire, was transported to Police Headquarters where he was interviewed

**STATUS:** Under Investigation

**PREVIOUS CASE PRESENTATION:**

**Control #2015-180-2**

**Council District:** 1  
**Involved Officers:** (1) White Male  
**Suspect:** (1) White Male

On June 13, 2015, at approximately 12:20 a.m., the suspect parked an armored van outside Jack Evans Police Headquarters located at 1400 S. Lamar Street. While parked in front of Headquarters, the suspect fired an automatic rifle into the lobby before engaging responding officers in a gunfight. The suspect then fled the location at which time a vehicle pursuit ensued. Responding officers pursued the suspect who stopped his vehicle on a business parking lot in Hutchins, Texas. A second gunfight occurred between the suspect and the pursuing officers. After a standoff with the suspect, a tactical sniper shot the suspect. The suspect was pronounced deceased at the scene. No officers were injured during the encounters.

**UPDATE:** The Internal Affairs Division investigation revealed the officer was justified in his use of deadly force.

**STATUS:** Complete

Case #CN2015-108-2 was presented at the August 24, 2015, Public Safety Committee Meeting.



Eric D. Campbell  
Assistant City Manager

cc: Honorable Mayor and Members of the City Council  
T.C. Broadnax, City Manager  
Larry Casto, City Attorney  
Craig D. Kinton, City Auditor  
Rosa A. Rios, City Secretary  
Daniel F. Solis, Administrative Judge  
Mark McDaniel, Acting First Assistant City Manager

Jill A. Jordan, P.E., Assistant City Manager  
Joey Zapata, Assistant City Manager  
M. Elizabeth Reich, Chief Financial Officer  
Sana Syed, Public Information Officer  
Elsa Cantu, Assistant to the City Manager – Mayor & Council  
Directors and Assistant Directors



# Memorandum



DATE: February 10, 2017

TO: Honorable Members of the Public Safety Committee:  
Adam Medrano (Chair), B. Adam McGough (Vice Chair), Sandy Greyson, Tiffinni A. Young,  
Jennifer S. Gates, Philip T. Kingston

SUBJECT: **Upcoming Draft Agenda Item B: Authorize a three-year master agreement for animal bedding for Police horses – S-4 Quality Shavings, LLC, lowest responsible bidder of two - Not to exceed \$237,672 - Financing: Current Funds**

Upon completion of a formal request for the bid process, the City seeks authorization to initiate a three-year master agreement for wood shavings totaling \$237,672.

This master agreement will provide animal bedding for police. The Dallas Police Mounted Squad has fourteen horses which are stabled inside Fair Park when not on patrol. Shavings are used daily in each of the stalls for bedding for the horses and to aid in the absorbance of animal waste. These stalls are cleaned daily to maintain a healthy living environment for the horses.

The Dallas Police Department is seeking the support and recommendation from the Public Safety Committee to authorize this master agreement. This item will be placed on the February 22, 2017, City Council Agenda.



Eric D. Campbell  
Assistant City Manager

cc: Honorable Mayor and Members of the City Council  
T.C. Broadnax, City Manager  
Larry Casto, City Attorney  
Craig D. Kinton, City Auditor  
Rosa A. Rios, City Secretary  
Daniel F. Solis, Administrative Judge  
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M. Elizabeth Reich, Chief Financial Officer  
Sana Syed, Public Information Officer  
Elsa Cantu, Assistant to the City Manager – Mayor & Council  
Directors and Assistant Directors

# Memorandum



DATE: February 10, 2017

TO: Honorable Members of the Public Safety Committee:  
Adam Medrano (Chair), B. Adam McGough (Vice Chair), Sandy Greyson, Tiffinni A. Young,  
Jennifer S. Gates, Philip T. Kingston

SUBJECT: **Upcoming Draft Agenda Item C: Authorize (1) an application for and acceptance of the Dallas July 7 Overtime Reimbursement Grant from the U.S. Department of Justice through the Office of the Governor, Criminal Justice Division for the response to events on July 7, 2016, for the period July 7, 2016 through March 31, 2017; and (2) execution of the grant agreement - Not to exceed \$705,251 - Financing: Office of the Governor, Criminal Justice Division State Grant Funds**

The City of Dallas has been awarded funding to cover the overtime expenses related to the events of July 7, 2016. On July 7th and several days thereafter, evidence was collected and coordination with other State and Federal agencies was conducted.

Consequently, a large portion of Downtown Dallas was shutdown. Over 1,100 officers worked more than 11,000 overtime hours.

The Dallas Police Department is seeking the support and recommendation from the Public Safety Committee to authorize the acceptance of this reimbursement grant. This item will be placed on the February 22, 2017, City Council Agenda.



Eric D. Campbell  
Assistant City Manager

cc: Honorable Mayor and Members of the City Council  
T.C. Broadnax, City Manager  
Larry Casto, City Attorney  
Craig D. Kinton, City Auditor  
Rosa A. Rios, City Secretary  
Daniel F. Solis, Administrative Judge  
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Jill A. Jordan, P.E., Assistant City Manager  
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M. Elizabeth Reich, Chief Financial Officer  
Sana Syed, Public Information Officer  
Elsa Cantu, Assistant to the City Manager – Mayor & Council  
Directors and Assistant Directors

# Memorandum



DATE: February 10, 2017

TO: Honorable Members of the Public Safety Committee:  
Adam Medrano (Chair), B. Adam McGough (Vice Chair), Sandy Greyson, Tiffinni A. Young,  
Jennifer S. Gates, Philip T. Kingston

SUBJECT: **Upcoming Draft Agenda Item D: Authorize the purchase of ballistic door panels for Police - Angel Armor, LLC - Not to exceed \$209,672 - Financing: Confiscated Monies Funds**

Based on the events of July 7, 2016, a review of options for additional protection for Police Officers from assault by high powered rifle rounds was conducted.

The availability of ballistic panels for the doors of police vehicles offers a high level of protection for police officers. This procurement will allow for the selected inventory of police vehicles to be outfitted. This additional safety feature will become standard equipment on future purchases of police emergency response vehicles for first responders.

Due to the sensitive nature of this procurement a competitive solicitation was not used. Chapter 252.022 of the Texas Government Code Subchapter (a) (2) provides a general exemption to bidding for procurements necessary to preserve or protect the public health or safety of the municipality's residents.

The Dallas Police Department is seeking the support and recommendation from the Public Safety Committee to authorize the purchase of ballistic door panels. This item will be placed on the February 22, 2017, City Council Agenda.



Eric D. Campbell  
Assistant City Manager

cc: Honorable Mayor and Members of the City Council  
T.C. Broadnax, City Manager  
Larry Casto, City Attorney  
Craig D. Kinton, City Auditor  
Rosa A. Rios, City Secretary  
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Jill A. Jordan, P.E., Assistant City Manager  
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M. Elizabeth Reich, Chief Financial Officer  
Sana Syed, Public Information Officer  
Elsa Cantu, Assistant to the City Manager – Mayor & Council  
Directors and Assistant Directors

# Memorandum



DATE: February 10, 2017

TO: Honorable Members of the Public Safety Committee:  
Adam Medrano (Chair), B. Adam McGough (Vice Chair), Sandy Greyson, Tiffinni A. Young,  
Jennifer S. Gates, Philip T. Kingston

SUBJECT: **Upcoming *Draft Addendum Item E: Authorize an Interlocal Agreement with Richardson Independent School District (RISD) for the provision of police services by the City in the RISD's Lake Highlands High School and junior high schools within the limit of both the City and RISD Schools - Not to exceed \$157,309 - Financing: Current Funds (subject to annual appropriations)***

Currently, various off-duty officers provide police services to RISD and are compensated directly by the school district. In an effort to foster greater consistency and recurring individual interaction, a proposal was set forth to have specific police officers assigned to RISD to include a partnership with the City. Under the agreement, RISD would pay the City for the salaries of two (2) dedicated police officers and the City would fund the salaries for the remaining two (2) dedicated officers.

The FY16-17 Adopted Budget included a Council Amendment to authorize the hiring of two (2) additional police officers to specifically act as School Resource Officers (SRO) within the RISD. These officers will be responsible for responding to calls for service, crime prevention, law enforcement, enforcement of truancy and community engagement at the schools and surrounding community. Also, their duties shall include counseling students and parents in helping find solutions to attendance and behavioral problems.

Under this Interlocal agreement, RISD will be responsible for reimbursement of overtime performed by the two SROs funded by the City of Dallas along with the overtime of the two SRO's to be reimbursed to the City. RISD will also provide a private office and administrative equipment necessary to perform their duties. RISD shall not decrease the number of full-time SROs it funds in the City of Dallas because of the City's funding.

The Dallas Police Department is seeking the support and recommendation from the Public Safety Committee to authorize the Interlocal Agreement with RISD. This item will be placed on the February 22, 2017, City Council Addendum.



Eric D. Campbell  
Assistant City Manager

cc: Honorable Mayor and Members of the City Council  
T.C. Broadnax, City Manager  
Larry Casto, City Attorney  
Craig D. Kinton, City Auditor  
Rosa A. Rios, City Secretary  
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Sana Syed, Public Information Officer  
Elsa Cantu, Assistant to the City Manager – Mayor & Council  
Directors and Assistant Directors

## **INTERLOCAL AGREEMENT BETWEEN THE CITY OF DALLAS AND RICHARDSON INDEPENDENT SCHOOL DISTRICT**

WHEREAS, pursuant to the Interlocal Cooperation Act, Chapter 791, Texas Government Code, the CITY OF DALLAS, a Texas home-rule municipality (the "CITY"), and the Richardson Independent School District, ("RISD"), an independent school district located in Dallas County, Texas, may jointly exercise the power to provide governmental services for the public health, safety and general welfare; and,

WHEREAS, the parties desire to enter into this Interlocal Agreement (this "Agreement"), for the provision of police services by the CITY in the RISD's Lake Highlands High School and junior high schools within the limits of both the CITY and RISD("SCHOOLS"); and,

WHEREAS, all obligations of the parties will be funded from their respective current revenues;

NOW THEREFORE, THIS INTERLOCAL AGREEMENT is hereby made and entered into by CITY and RISD for the mutual considerations stated herein and shall be effective upon execution by both parties:

### **1. PURPOSE**

The purpose of this Agreement is to set forth the terms for the provision of police services by the CITY in the SCHOOLS.

### **2. DESCRIPTION OF SERVICES AND OBLIGATIONS**

The CITY, through its Police Department, (hereinafter referred to as "DEPARTMENT"), shall provide the following services and related activities in RISD schools:

- A. This service is provided with the understanding that each school has different needs. Officers, (which hereinafter means DEPARTMENT Police Officers), assigned to schools will provide an approach, within the guidelines of this Agreement, that is most appropriate for each school at which they work and the circumstances they encounter. Officers and their supervisors will coordinate with school personnel and prioritize their work so that it helps both the RISD and the DEPARTMENT reach their goals.

This program is intended to provide police services to the SCHOOLS. Officers may be called at any time to the SCHOOLS to fill in for or assist other Officers, or to work on special situations. When Officers

assigned to this program are absent, they will be replaced on an as needed basis. Requests for substitute Officers will be made through a Supervisor.

B. Officers assigned to schools are called School Resource Officers ("SRO"). SRO's duties are to:

- a. Assist the RISD with order maintenance by enforcing laws, intervening in disruptions, and engaging in crime prevention activities, which may include awareness of gangs and their actions; and gathering information to assist with crime reduction at school and the surrounding community.
- b. Enforce truancy laws to help keep students in school and prevent crimes committed by truants.
- c. Respond to calls for police assistance from schools and school personnel.
- d. Enforce traffic laws around schools.
- e. Provide a positive role model to students and maintain good relations with the school community, which may include providing information concerning questions about law enforcement topics to students and staff; and providing classroom instruction/lesson plans on a variety of topics, such as alcohol and drug education, and crime prevention education to build rapport with the students and the RISD staff.
- f. Counsel with students and parents to help find solutions to school attendance or criminal behavior problems.

C. When not performing an otherwise required duty that causes them to be out of the assigned area, and when not on an authorized break, SROs will maintain a high state of visibility on and around school campuses by:

- a. Remaining in their assigned area,
- b. Being visible in and around schools before school, during assemblies, lunch periods, and after school, or

- c. Routinely patrolling school halls, lunchrooms, and parking lots for the purpose of preventing criminal activity.
- D. SROs will maintain contact with the school officials. They will keep them advised of their status in a manner similar to that used with police communications.
- E. Officers will ordinarily allow school officials to handle minor violations and disruptions without official police action, except when:
  - 1) requested to do otherwise by the campus principal or department head,
  - 2) requested by the complainant or parent in a criminal violation, or
  - 3) they are required to take action as directed by law or DEPARTMENT policy and procedures.Officers are authorized to investigate incidents to determine if any of the above apply.
- F. SROs will endeavor to interact with students on a non-punitive and positive basis during contacts in the halls, in the lunchrooms, on school grounds, and at special events.
- G. SROs' supervisors ("Supervisors") will:
  - a. Coordinate SROs' activities with RISD personnel to insure the goals of the DEPARTMENT and the RISD are being met in the most effective and efficient manner possible.
  - b. Make scheduled visits with principals:
    - 1. A minimum of twice per year. Once at the beginning and once at the end of the school year, or
    - 2. As needed, or
    - 3. When requested by the principal.
  - c. Keep RISD informed of all the significant activities of the Student Resource Unit ("SRU") and of any other significant police activities in the school that the SRU has knowledge of and that should be brought to the attention of RISD.
  - d. At the beginning of the school year Supervisors will meet with school principals to determine the most effective hours for the SROs. Once hours are set, the DEPARTMENT will provide the RISD a list of SRO assignments and work schedules.

Changes in these assignments and work schedules will be provided as they occur.

3. **GENERAL GUIDELINES AND PROCEDURES**

- A. Principals will be notified of significant actions taken by SROs in their schools. Arrests on a school campus will be reported to the campus principal as soon as practically possible.
- B. Any request for police services not described in this Agreement shall be requested and coordinated through a DEPARTMENT supervisor who may require the request to be made in writing. Requested activities must comply with current DEPARTMENT policies and procedures.
- C. Assignment and scheduling of SROs will be coordinated with principals and RISD administrators to insure that the best working relationships possible are maintained. Changes in assignments/schedules will be made by a SRO supervisor who will coordinate the change with RISD.
- D. SROs are subject to the employment guidelines, personnel rules, policies, procedures, and supervision of the DEPARTMENT and the CITY exclusively, and are accountable to DEPARTMENT Supervisors for their time and activities.
- E. DEPARTMENT Supervisors will make an effort to schedule SROs to maximize the time spent working in schools. Supervisors must adhere to DEPARTMENT guidelines for SRO's attendance at other assignments and use of leave time, and cannot cause any Officer to lose or reduce an employee benefit.
- F. SROs will not be used to enforce RISD or school rules or policies and will not be assigned to a stationary post, or as a hall, lunchroom, or parking lot monitor except to prevent criminal activity and with the approval of a SRO supervisor.
- G. SROs and Supervisors will be selected according to the policies and procedures of the DEPARTMENT. Priorities for filling vacancies will be determined by the staffing requirements of the DEPARTMENT in relation to the need for SROs at the time the vacancy occurs.
- H. At the end of each school year, the Principal of an assigned campus will be asked to comment on the effectiveness of the SRO based at that school. A rating form will be provided by the DEPARTMENT.



Supervisors will take these evaluations into consideration when determining SRO's assignments.

- I. The RISD and the CITY will develop procedures for providing each with necessary information and reports as appropriate.
- J. All comments, criticisms, suggestions, or recommendations on SRO assignments or performance will be immediately referred, without delay, to the Officer's immediate supervisor. The immediate supervisor will be given the opportunity to take the appropriate action to resolve problems or investigate complaints prior to any other action or decision. RISD shall have the right to request that the CITY replace an SRO whose continued placement at a school, in RISD's sole determination, does not further the purposes of this MOU, subject to CITY's personnel rules and standard operating procedures. If the parties are not able to agree as to the removal or replacement of a particular SRO, either party may terminate this Agreement as provided herein.
- K. Officers shall have the final authority in all criminal matters they become involved in as directed by DEPARTMENT policies and procedures, as well as federal, state and local laws.
- L. Nothing in this Agreement shall be construed to prevent an Officer from carrying out his duty as a law enforcement peace officer even if doing so conflicts with the terms and conditions of this Agreement. Nothing in this Agreement shall override any policy or procedure of the DEPARTMENT.
- M. The application of this Agreement is determined by mutual agreement of RISD and DEPARTMENT personnel involved in school police and security. Any separate document describing its application is not valid unless approved by both the RISD and the DEPARTMENT.
- N. The RISD shall fulfill the following obligations in return for the CITY'S performance of the afore stated services:
  - a. Pay to the CITY the actual full cost of providing police services to the RISD (minus the cost, not including overtime, of the two officers funded by CITY, as set out below), as certified by the CITY, of all salaries, benefits (including pension), and approved overtime of SROs hereunder. Actual full cost shall include, as to the rendering of the services described above

including, but not limited to, salary, benefits, (including pension), and overtime of all SROs.

- b. Pay to the CITY 100% of costs (salary and pension contributions, CITY's Medicare contribution, etc.) for overtime scheduled at the request of RISD over and above an Officer's 8-hour shift.
- c. Provide a secure private office equipped with a desk, chair, desk phone, work table, locking filing cabinet, office supplies, Internet-connected computer, and RISD email address for the SRO at each assigned campus. Offices must be set up so that an Officer can conduct an interview in privacy.
- d. CITY will cover the cost of two full-time SROs (minus approved overtime costs) and the parties agree that RISD shall not decrease the number of full-time SROs it funds in the City of Dallas because of the CITY's funding. Notwithstanding the foregoing, if RISD is required to reduce the number of full-time SROs it funds due to reduced budgeted funds, it will notify the CITY at the time the reduction in funding occurs and the Agreement shall expire upon close of the currently funded fiscal year or when current revenues are no longer available to fund this Agreement, whichever comes first.

#### 4. METHOD OF PAYMENT

The CITY shall develop detailed annual estimate of the actual full cost of rendering the services set forth in this Agreement. The estimated cost of the Agreement for the ensuing year with a working document showing the basis for the estimated cost will be furnished to the RISD in May for budgeting purposes. Based on this budget estimate, the RISD shall pay one third of that amount in three equal installments on October 1, January 1, and April 1 of each fiscal year. The payment shall be sent to the following address and a copy sent to the office of the CITY's Chief of Police:

City Hall  
1500 Marilla Street, Room 2/D/S  
Dallas, Texas 75201  
Attn: Misc. Tax & License Section

Upon completion of the fiscal year, the actual full costs (including approved overtime) incurred during the year relating to the services rendered herein shall be

calculated and, a determination made of the variance between the amount paid during the year by the RISD and the actual full cost incurred and owed by the RISD. Any amount paid during the year by the RISD in excess of those costs actually incurred shall be refunded to the RISD by the CITY within 30 days of a written request submitted by the RISD. Any amount owed by the RISD as a result of such variance shall be remitted to the CITY within 30 days of a written request submitted by the CITY. Request for a refund by the RISD or a remittance by the CITY must be submitted to the other party within 30 days of the conclusion of the AGREEMENT. Should the AGREEMENT be terminated prior to expiration, said credit or debit shall be promptly paid by the responsible party to the other.

5. **TERM**

The term of this Agreement shall commence on execution and both parties, and shall continue thereafter, subject to the appropriation of sufficient funding by both parties, unless terminated by either party. Either party may terminate this Agreement anytime upon written notice to the other party at least 90 days prior to the date of termination or upon non-appropriation of funds by its governing body. Should either party fail to appropriate funds necessary to fulfill the terms of this Agreement, it shall give immediate notice to the other party and the Agreement shall expire upon close of the currently funded fiscal year or when current revenues are no longer available to fund this Agreement, whichever comes first.

6. **NOTICES AND AGREEMENT ADMINISTRATION**

All notices, communications, and reports required or permitted under this Agreement shall be personally delivered to the respective parties, by depositing same in the United States mail, postage prepaid, at the addresses shown below, unless and until either party is subsequently notified otherwise, in writing.

If intended for CITY, to:

CHIEF OF POLICE  
City of Dallas  
1400 S. Lamar Street  
Dallas, Texas 75215

If intended for the RISD, to:

SUPERINTENDENT  
Richardson Independent School District  
400 South Greenville Avenue  
Richardson, Texas 75081

**7. CONFLICT OF INTEREST**

The following section of the Charter of the City of Dallas shall be one of the conditions, and a part of, the consideration of this Agreement, to-wit:

"CHAPTER XXII. Sec. 11. FINANCIAL INTEREST OF EMPLOYEE OR OFFICER PROHIBITED -- No officer or employee shall have any financial interest, direct or indirect, in any contract with the City or be financially interested, directly or indirectly, in the sale of the City or any land, materials, supplies or services, except on behalf of the City as an officer or employee. Any violation of this section shall constitute malfeasance in office, and any officer or employee guilty thereof shall thereby forfeit his office, or position with the City. Any violation of this section, with knowledge, express or implied, of the person or corporation contracting with the City shall render the contract involved voidable by the City Manager or the City Council.

The alleged violation of this section shall be matters to be determined either by the Trial Board in the case of employees who have the right to appeal to the Trial Board, and by the City Council in the case of other employees."

**8. GIFT OF PUBLIC SERVANT**

City may terminate this Agreement immediately if RISD has offered, or agreed to confer any benefit upon a City employee or official that the City employee or official is prohibited by law from accepting. (City has been advised by the prosecuting authorities that the Section 36.10(4) exception to Section 37.08 and 36.09 of the Texas Penal Code is not available to public servants who have no legal reporting requirements.)

For purposes of this section, "benefit" means anything reasonably regarded as economic gain or economic advantage, "including benefit to any other person in whose welfare the beneficiary is interested, but does not include a contribution or expenditure made and reported in accordance with law.

9. **VENUE**

The obligations of the parties hereto shall be performable in Dallas, Texas, and if legal action is necessary to enforce same, exclusive venue shall lie in Dallas County, Texas.

10. **APPLICABLE LAWS**

This Agreement is made subject to the provisions of the Charter and ordinances of CITY, as amended, and all applicable State and Federal laws.

11. **GOVERNING LAW**

This Agreement shall be governed by and construed in accordance with the laws and court decisions of the State of Texas.

12. **LEGAL CONSTRUCTION**

In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision thereof and this Agreement shall be considered as if such invalid, illegal, or unenforceable provision had never been contained in this Agreement.

13. **CAPTIONS**

The captions to the various clauses of this Agreement are for informational purposes only and shall not alter the substance of the terms and conditions of this Agreement.

14. **COUNTERPARTS**

This Agreement may be executed in any number of counterparts, each of which shall be deemed an original and constitute one and the same instrument.

15. **ENTIRE AGREEMENT**

This Agreement embodies the complete agreement of the parties hereto, superseding all oral or written previous and contemporary agreements between the parties and relating to matters in this Agreement, including the contract authorized by City Council Resolution No. \_\_\_\_\_ adopted by the City Council on February 22, 2017, and except as otherwise provided herein cannot be modified without written agreement of the parties to be attached to and made a part of this Agreement.

EXECUTED AS OF THE \_\_\_\_ day of and month of \_\_\_\_\_, 2017,  
by the CITY OF DALLAS signing by and through its CITY MANAGER duly  
authorized to execute this Agreement by Resolution No. \_\_\_\_\_, adopted by the  
City Council on February 22, 2017, and by the RICHARDSON INDEPENDENT  
SCHOOL DISTRICT, signing by and through its Superintendent.

APPROVED AS TO FORM:  
LARRY E. CASTO  
City Attorney

CITY OF DALLAS  
T. C. BROADNAX  
City Manager

BY \_\_\_\_\_  
Assistant City Attorney *AK*

BY \_\_\_\_\_  
Assistant City Manager

RICHARDSON INDEPENDENT  
SCHOOL DISTRICT

BY \_\_\_\_\_  
Dr. Jeannie Stone  
RISD Superintendent

# Memorandum



DATE: February 10, 2017

TO: Honorable Members of the Public Safety Committee:  
Adam Medrano (Chair), B. Adam McGough (Vice Chair), Sandy Greyson, Tiffinni A. Young,  
Jennifer S. Gates, Philip T. Kingston

SUBJECT: **Upcoming Draft Agenda Item F: Authorize an increase to the master agreement with Taser International in the amount of \$320,891, from \$1,283,564 to \$1,604,455 for Taser Electronic Control Weapons and accessories for Police - Financing: Current Funds (subject to annual appropriations)**

On September 29, 2014, City Council authorized a five-year master agreement for the purchase of Taser Electronic Control Weapons and accessories by Resolution No. 14-1641. Due to recent purchases, DPD has accelerated the usage on this master agreement. The increase to the master agreement is necessary in order to allow sufficient time to complete a new solicitation process.

The Dallas Police Department is seeking the support and recommendation from the Public Safety Committee to authorize an increase to this master agreement. The item will be placed on the March 22, 2017, City Council Agenda.



Eric D. Campbell  
Assistant City Manager

cc: Honorable Mayor and Members of the City Council  
T.C. Broadnax, City Manager  
Larry Casto, City Attorney  
Craig D. Kinton, City Auditor  
Rosa A. Rios, City Secretary  
Daniel F. Solis, Administrative Judge  
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Jill A. Jordan, P.E., Assistant City Manager  
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Directors and Assistant Directors