

CREATE A STATEWIDE REPOSITORY FOR RACIAL PROFILING REPORTS TO OVERSEE COMPLIANCE AND ADDRESS DATA ISSUES

ISSUE

Currently, each Texas law enforcement agency is required to report its annual data only to its own local governing body. Since S.B. 1074 passed, TCJC has served as the sole **statewide** repository of racial profiling reports produced annually by Texas law enforcement agencies, as well as the sole source of cross-agency monitoring. Although we would like to continue to provide technical assistance to agencies, we believe a state agency would better serve as a clearinghouse and analyst of the data. We envision a real community partnership, one in which we work together with a repository entity to facilitate the needs of law enforcement, community members, stakeholders, and members of the media interested in learning more about police practices that affect public safety in Texas.

SOLUTION

Agencies should not only submit their annual reports to their local governing bodies (to best maintain local oversight), but they should also submit their reports to an independent, neutral, centralized agency in a standardized format.

➤ **A repository entity would be able to ensure that law enforcement agencies are complying with the data collection and reporting requirements of the law, and would be able to track which agencies, over time, are having difficulty meeting the law's requirements.**

- To obtain the pool of law enforcement agencies for this study, TCJC mailed open records requests for racial profiling reports and related information to 1,074 agencies. We had a response rate of 58% to those requests. Subsequent requests for the information were made first by the Office of Senator Royce West, author of S.B. 1074, and then again by the Office of the Attorney General to agencies that still had not replied. Ultimately, 93 agencies either (1) did not respond to the open records request or responded too late to be included in our analysis, (2) did not provide usable information, or (3) never created an annual report or could not locate a copy of it. These factors prevent the timely and comprehensive analysis of statewide data. A repository that agencies are required to submit their reports to would best ensure the accurate collection and consistent reporting of racial profiling data.
- TCJC has found that, throughout the years as we have sent the open records requests for reports and information, certain agencies have continually failed to respond to initial requests for information – either within the time allotted under Texas' Public Information Act, or ever. Because by this point (after 4

A central repository will [...] ensure compliance among the police departments with the racial profiling laws.

– 2005 Legislative Recommendations from Special Meeting of Texas' Major Cities Chiefs, representing Austin, Dallas, El Paso, Fort Worth, Houston, San Antonio

years of reporting requirements), no agency should have an excuse for failing to submit a report, it seems Texas agencies are facing larger problems with management, efficiency, and internal information flow. A repository entity could track these agencies and help them to comply with both the racial profiling law and the Public Information Act. It is no longer excusable that some agencies continue to comply with these laws year in and year out, while others never do.

- **A repository entity would be able to produce annual reports that analyze data for statewide trends, and offer interested agencies higher-level analysis of additional data elements. This would better help agencies identify ineffective police practices, as well as implement best practices.**
 - Law enforcement officers have recommended that, for large agencies, data should be analyzed not just in the aggregate but also by district (within each jurisdiction) to account for unequal police deployment to certain areas of town (e.g., enforcement details targeting criminal activities in specific neighborhoods). *For more information on this recommendation, please see Appendix IV.* This would best be handled by an entity that has the resources to offer more attention to the data analysis process.
 - A repository for reports (easily accessible by other agencies and the public [*see below*]) would effectively enable law enforcement agencies to compare their data to determine best practices or the need for improvements. Some supervisors have expressed that, had they understood the value of data findings sooner, they would have changed internal policies earlier to mirror those already implemented by other agencies for the sake of efficiency and productivity.
- **A repository entity would be able to implement an online reporting format for law enforcement agencies, which would ease the speed with which the agencies could transmit their annual information.**
 - Many agencies send large bundles of information to TCJC and other requestors in response to open records requests; they are paying heavy postage costs, as well as costs for certified mail delivery. Implementation of an online submission format would eliminate those costs.
- **A repository would be able to store the annual reports (electronically, or in paper format for agencies that do not have Internet capabilities) so that interested members of the public could contact the repository for information rather than having to burden agencies with open records requests.**
 - Agencies must incur legal expenses and administrative costs when providing their reports to interested members of the public. A repository could offer members of the public easier access to racial profiling information about local agencies; the public could also view a majority of the data online as long as the online reporting format [*see above*] is established.

Any consideration for legislative relief aimed at reining in [...] requests would be greatly appreciated.
– Texas Sheriff

- **Repository staff would be able to assist officers with technical issues (legal requirements of the law, online submission compliance, grant funding, etc.), and help members of the public understand the data analysis.**
- In 2006, TCJC received nearly 300 calls for information from law enforcement agencies who were unclear about what the law requires of them. This communication with agencies has benefited both the agencies (who receive help that clarifies reporting requirements) as well as TCJC (since we get valuable feedback from agencies about their struggles to comply with the law). Although we want to continue to foster these relationships and serve in this educational capacity, having an additional entity to provide technical assistance would be more efficient for all involved.
 - Repository staff could also help agencies with tangential issues that arise under S.B. 1074. For instance, staff could work with agencies to aid them in obtaining state or federal-level grant funding for audio-visual equipment for their vehicles, which affects data collection requirements. *See the section titled Provide Funding to Support Law Enforcement Agencies, Officers, and Training Academies for more information.*
 - When members of the public have questions about their local agency, or members of the media need help interpreting the data and findings, a repository entity could serve as a resource (in addition to TCJC) for addressing racial profiling issues.

NOTE: *During Texas' 79th Legislative Session in 2005, the Texas Senate approved legislation that would create a statewide repository, require the collection of additional data elements, and implement a uniform reporting format. The bill failed to pass in the House before time expired. The 80th Texas Legislature should confront the problems posed by inadequate reporting procedures.*