



LAKE WORTH POLICE

DEPARTMENT

2019 RACIAL PROFILING REPORT

EXECUTIVE SUMMARY

The Lake Worth Police Department is pleased to present information to the Lake Worth City Council regarding our compliance with the State of Texas Racial Profiling Law. This report contains motor vehicle stop data for the calendar year 2019. During 2019, Lake Worth Police Officers made a total 4,206 motor vehicle stops.

This report is an analysis of that data completed in order to determine if Lake Worth Police Officers engage in any form of bias policing. Lake Worth Police Officers are provided with in-depth instruction, both in the police academy and in in-service training, on the importance of policing without bias. We also engage the community through numerous outreach efforts to ensure they know how to raise issues of concern or file complaints if necessary. In addition to our training efforts, police supervisors are required to conduct random video reviews of Officer's traffic stops each month and no indications of bias policing have been observed.

Officers occasionally ask drivers for permission to search their vehicle when they have suspicion of finding contraband or evidence of a crime, but that suspicion falls short of full probable cause needed for officers to search without consent, (this is a consent search.) Drivers are free to deny permission for these searches. During 2019, there were a total of 24 consent searches requested and approved by drivers.

During 2019, the Department received zero citizen complaints regarding bias policing. This analysis indicates that Lake Worth Police Officers are working diligently to reduce traffic fatalities and intercede in criminal activity in a manner consistent with Non-Bias Policing practices. The Department is committed to continuing our training and outreach activities and to continue to study our policies and procedures to ensure we continue to adhere to Non-Bias Policing.

BACKGROUND

Traffic Safety is one of the primary responsibilities of Police Departments. In 2018, Texas experienced 3,639 traffic fatalities compared to 1,322 homicides. Reducing these unnecessary deaths is the primary reason police engage in traffic enforcement.

Drugs represent
61% of contraband
found during
searches in 2019.

However, traffic enforcement is not just about enforcing traffic laws. Stopping vehicles for traffic violations is also one of the primary methods police use to reduce other crimes as well. Criminals who commit other crimes move around Lake Worth in vehicles and stopping vehicles for traffic offenses allows officers to investigate and often intercede in other criminal activities or capture wanted persons. Active traffic enforcement is one of the reasons Lake Worth remains one of the safest cities in America.

With the understanding that traffic enforcement is a primary function of the police, it is also imperative that we ensure our enforcement efforts are bias-free. The Lake Worth Police Department has always complied with all parts of the State of Texas Racial Profiling law. Article 2.132 of the Texas Code of Criminal Procedure prohibits police agencies in Texas from practicing any form of Racial Profiling.

The law requires police departments, among other requirements, to:

- Have a policy prohibiting Racial Profiling,
- Provide training to their officers in prohibiting Racial Profiling, and
- Report motor vehicle stop statistics each year to both the Texas Commission on Law Enforcement and the governing body that oversees that particular agency (Lake Worth City Council).

Police departments are also required to report motor vehicle stop statistics including the number of motor vehicle stops by racial group, the number of warnings, citations, arrests, and searches conducted. There is no suggestion of how to analyze or interpret this data. Without some form of analysis, that basic data is of questionable value. The true purpose of this analysis and reporting is to determine if Lake Worth Police Officers are treating minorities differently than their majority counterparts.

The State also requires officers to indicate whether they were aware of the driver's race before the stop. Data collected this year indicates that only 0.5 percent of the time did officers know the race of the driver before the stop. Officers most often stop vehicles for an observed traffic violation and are unable to tell the race or ethnicity of the driver until they approach the vehicle on foot.

Texas Commission on Law Enforcement requires agencies to submit a comparative analysis of motor vehicle stops and the jurisdiction's population. That data is submitted in Attachment A of this report.

CITATIONS AND WARNINGS

When officers stop a vehicle for a traffic violation, and no other violation is observed or detected, the officer has the discretion to issue a citation for the violation or issue a written or verbal warning. Even if the officer gives only a verbal warning, the officer must still submit specific motor vehicle stop data required for the State Report. Officers often use the seriousness or magnitude of the violation and the danger created by the violation in making the decision to issue a citation. In 2019, citations and warnings were issued evenly at ratio of approximately 1:1. Both citations and warnings were also issued in approximately the same percentages to all races and genders [Figures 1 & 2].

Figure 1

	City Population ²	Traffic Stops ³
White ¹	58%	58%
Hispanic / Latino ¹	26%	28%
Black ¹	2%	12%
Asian/ Pacific Islander ¹	1%	1%
Alaska Native/ American Indian ¹	<1%	<1%
Other/ Two or More Races ¹	9%	
¹ Figures rounded to the nearest whole number. +/- ~3%		
² Based on 2010 US Census data		
³ 2019 LWPD Racial Profiling Report		

Figure 2

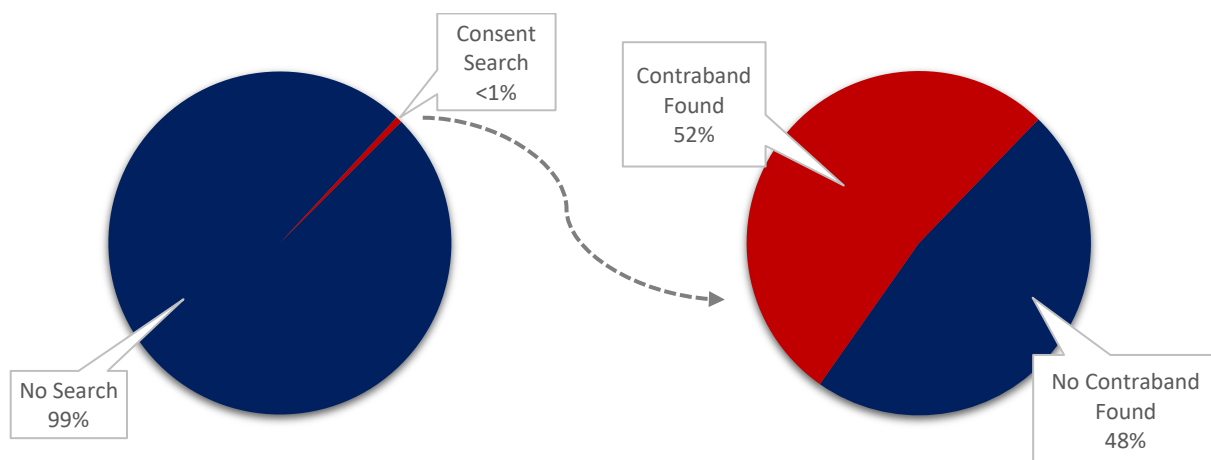
	City Population ²	Traffic Stops ³
Male ¹	49%	60%
Female ¹	51%	40%
¹ Figures rounded to the nearest whole number. +/- ~0.5%		
² Based on 2010 US Census data		
³ 2019 LWPD Racial Profiling Report		

SEARCHES

Because officers are required to search anyone that may be arrested or who the officer believes presents a danger to the officer or others, some searches are “Non-Discretionary”. If an arrest is made as required by law, officers must conduct a search of the person before taking them to jail. Officers have no choice in conducting these searches.

Discretionary searches, usually requiring the consent of the person being searched are the ones that most likely can be abused by officers. The discretionary (Consent Requested) searches make up only a tiny portion (less than one percent) of all motor vehicle stops.

Figure 3



FILING COMPLAINTS

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

Instructions on how to file a complaint are listed on the front of each citation and warning. Copies of the complaint form are available online via the police department's website and paper copies are available in the lobby of the police department.

SUMMARY

The Lake Worth Police Department continues to strive for bias-free enforcement of the laws. This report shows that during 2019, we were successful in doing so. We are committed to working with our community and other professionals to ensure continued appropriate policing. Persons have questions regarding this report, should contact the Lake Worth Police Department.

ATTACHMENTS

- (A) – TCOLE Racial Profiling Submission;
- (B) – Brazos Racial Profiling Report;
- (C) – LWPD Racial Profiling and Bias Reduction Policy

Racial Profiling Report | Full

Reporting Date: 01/29/2020

Agency Name: LAKE WORTH POLICE DEPT.

TCOLE Agency Number: 439223

Chief Administrator: JOSHUA T. MANOUSHAGIAN

Agency Contact Information:

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Mailing Address:

3805 ADAM GRUBB

LAKE WORTH, TX 76135

This Agency filed a full report

LAKE WORTH POLICE DEPT. 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 LAKE WORTH POLICE DEPT. from engaging in racial profiling;
- 3.) implements a process by which an individual may file a complaint with the LAKE WORTH POLICE DEPT. if the individual believes that a peace officer employed by the LAKE WORTH POLICE DEPT. has engaged in racial profiling with respect to the individual;
- 4.) provides public education relating to the agency's complaint process;
- 5.) requires appropriate corrective action to be taken against a peace officer employed by the LAKE WORTH POLICE DEPT. who, after an investigation, is shown to have engaged in racial profiling in violation of the LAKE WORTH POLICE DEPT. 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: JOSHUA T. MANOUSHAGIAN, Chief of Police

Date: 01/29/2020

Total stops: 4206

Gender

Female	1685
Male	2521

Race / Ethnicity

Black	505
Asian / Pacific Islander	41
Hispanic / Latino	2460
White	1185
Alaska Native / American	15

Was race or ethnicity known prior to stop?

Yes	19
No	4187

Reason for stop?

Violation of law	201
Preexisting knowledge	134
Moving traffic violation	2686
Vehicle traffic violation	1185

Street address or approximate location of the stop

City street	3038
US highway	215
County road	90
State highway	850
Private property or other	13

Was a search conducted?

Yes	141
No	4065

Reason for Search?

consent	24
contraband	11
probable	74
inventory	10

ncident to arrest	22
Was Contraband discovered?	
Yes	74
No	67
Description of contraband	
Drugs	50
Currency	1
Weapons	1
Alcohol	9
Stolen property	0
Other	21
Result of the stop	
Verbal warning	0
Written warning	1941
Citation	2216
Written warning and arrest	5
Citation and arrest	44
Arrest	49
Arrest based on	
Violation of Penal Code	12
Violation of Traffic Law	4
Violation of City Ordinance	1
Outstanding Warrant	32
Was physical force resulting in bodily injury used during stop?	
Yes	0
No	4206

Submitted electronically to the



The Texas Commission on Law
Enforcement

Lake Worth, TX PD

Jan 1, 2019 - Dec 31, 2019

Racial Profiling Report

PLEASE NOTE: The official form does not allow for Other and Unknown in the Race or Ethnicity boxes on the TCOLE website. Please contact TCOLE for instructions on how to resolve these issues. This report only includes traffic stops resulting in a citation, traffic stops resulting in a citation with an arrest, traffic stops resulting in a warning with an arrest, and field interviews that resulted in an arrest. This report does not include any stops from traffic collisions.

1. Gender	
FEMALE	1685
MALE	2521
Total	4206

2. Race or ethnicity	
ALASKA NATIVE/AMERICAN INDIAN	15
ASIAN/PACIFIC ISLANDER	41
BLACK	505
HISPANIC/LATINO	1185
WHITE	2460
Total	4206

3. Was race or ethnicity known prior to stop?	
N	4187
Y	19
Total	4206

4. Reason for Stop?	
MOVING TRAFFIC VIOLATION	2686
PRE EXISTING KNOWLEDGE	134
VEHICLE TRAFFIC VIOLATION	1185
VIOLATION OF LAW	201
Total	4206

7. Reason for Search?	
CONSENT	24
CONTRABAND IN PLAIN VIEW	11
INCIDENT TO ARREST	22
INVENTORY	10
NO SEARCH	4065
PROBABLE CAUSE	74
Total	4206

8. Was Contraband discovered?	
N	67
Y	74
Total	141

9. Description of contraband	
ALCOHOL	9
CURRENCY	1
DRUGS	50
OTHER	21
WEAPONS	1
Total Contraband Found	82

10. Result of the stop	
CITATION	2216
CITATION AND ARREST	44
WRITTEN WARNING	1941
WRITTEN WARNING AND ARREST	5

Lake Worth, TX PD

Jan 1, 2019 - Dec 31, 2019

Racial Profiling Report

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5. Street address or approximate location of the stop	
CITY STREET	3038
COUNTY ROAD	90
PRIVATE PROPERTY OR OTHER	13
STATE HIGHWAY	850
US HIGHWAY	215
Total	4206

6. Was a search conducted?	
N	4065
Y	141
Total	4206

10. Result of the stop	
Total	4206

11. Arrest based on	
	1
OUTSTANDING WARRANT	32
VIOLATION OF PENAL CODE	12
VIOLATION OF TRAFFIC LAW	4
Arrest Total	49

12. Was physical force resulting in bodily injury used during stop?	
N	4206
Total	4206

2.2 Racial Profiling and Bias Reduction (TBP References: 2.01)

202.1 POLICY

We are committed to a respect for constitutional rights in the performance of our duties. Our success is based on the respect we give to our communities, and the respect members of the community observe toward law enforcement. To this end, we shall exercise our sworn duties, responsibilities, and obligations in a manner that does not discriminate on the basis of race, sex, gender, sexual orientation, national origin, ethnicity, age, or religion. Respect for diversity and equitable enforcement of the law are essential to our mission.

All enforcement actions shall be based on the standards of reasonable suspicion or probable cause as required by the Fourth Amendment to the U. S. Constitution and by statutory authority.

In all enforcement decisions, officers shall be able to articulate specific facts, circumstances, and conclusions that support probable cause or reasonable suspicion for arrests, searches, seizures, and stops of individuals. Officers shall not stop, detain, arrest, search, or attempt to search anyone based solely upon the person's race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group.

All departmental orders are informed and guided by this directive. Nothing in this order limits non-enforcement consensual contacts between officers and the public.

202.2 PURPOSE

The purpose of this order is to inform officers that bias-based policing is prohibited by the department. Additionally, this order will assist officers in identifying key contexts in which bias may influence these actions, and emphasize the importance of the constitutional guidelines within which we operate.

202.3 DEFINITIONS

Most of the following terms appear in this policy statement. In any case, these terms appear in the larger public discourse about alleged biased enforcement behavior and in other orders. These definitions are intended to facilitate on-going discussion and analysis of our enforcement practices.

A. Bias: Prejudice or partiality based on preconceived ideas, a person's upbringing, culture, experience, or education.

B. Biased-based policing: Stopping, detaining, searching, or attempting to search, or using force against a person based upon his or her race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group.

C. Ethnicity: A cluster of characteristics that may include race but also cultural characteristics or traits that are shared by a group with a common experience or history.

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2.2 Racial Profiling and Bias Reduction (TBP References: 2.01)

- D. Gender: Unlike sex, a psychological classification based on cultural characteristics or traits.
- E. Probable cause: Specific facts and circumstances within an officer's knowledge that would lead a reasonable officer to believe that a specific offense has been or is being committed, and that the suspect has committed it. Probable cause will be determined by the courts reviewing the totality of the circumstances surrounding the arrest or search from an objective point of view.
- F. Race: A category of people of a particular decent, including Caucasian, African, Hispanic, Asian, Middle Eastern, or Native American descent. As distinct from ethnicity, race refers only to physical characteristics sufficiently distinctive to group people under a classification.
- G. Racial profiling: A law-enforcement initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity.
- H. Reasonable suspicion: Specific facts and circumstances that would lead a reasonable officer to believe criminal activity is afoot and the person to be detained is somehow involved. Reasonable suspicion will be determined by the courts reviewing the totality of the circumstances surrounding the detention from an objective point of view.
- I. Sex: A biological classification, male or female, based on physical and genetic characteristics.
- J. Stop: An investigative detention of a person for a brief period of time, based on reasonable suspicion.

202.4 PROCEDURES

A. General responsibilities

1. Officers are prohibited from engaging in bias-based profiling or stopping, detaining, searching, arresting, or taking any enforcement action including seizure or forfeiture activities, against any person based solely on the person's race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group. These characteristics, however, may form part of reasonable suspicion or probable cause when officers are seeking a suspect with one or more of these attributes. (TBP: 2.01)
 2. Investigative detentions, traffic stops, arrests, searches, and property seizures by officers will be based on a standard of reasonable suspicion or probable cause in accordance with the Fourth Amendment of the U.S. Constitution. Officers must be able to articulate specific facts and circumstances that support reasonable suspicion or probable cause for investigative detentions, traffic stops, subject stops, arrests, nonconsensual searches, and property seizures. Except as provided in number 3 below, officers shall not consider race/ethnicity in establishing either reasonable suspicion or probable cause. Similarly, except as provided below, officers shall not consider race/ethnicity in deciding to initiate even those nonconsensual encounters that do not amount to legal detentions or to request consent to search.
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2.2 Racial Profiling and Bias Reduction (TBP References: 2.01)

3. Officers may take into account the reported race or ethnicity of a specific suspect or suspects based on trustworthy, locally relevant information that links a person or persons of a specific race/ethnicity to a particular unlawful incident(s). Race/ethnicity can never be used as the sole basis for probable cause or reasonable suspicion. Except as provided above, reasonable suspicion or probable cause shall form the basis for any enforcement actions or decisions. Individuals shall be subjected to stops, seizures, or detentions only upon reasonable suspicion that they have committed, are committing, or are about to commit an offense. Officers shall document the elements of reasonable suspicion and probable cause in appropriate reports.

4. Officers shall observe all constitutional safeguards and shall respect the constitutional rights of all persons.

a. As traffic stops furnish a primary source of bias-related complaints, officers shall have a firm understanding of the warrantless searches allowed by law, particularly the use of consent. How the officer disengages from a traffic stop may be crucial to a person's perception of fairness or discrimination.

b. Officers shall not use the refusal or lack of cooperation to justify a search of the person or vehicle or a prolonged detention once reasonable suspicion has been dispelled.

5. All personnel shall treat everyone with the same courtesy and respect that they would have others observe to department personnel. To this end, personnel are reminded that the exercise of courtesy and respect engenders a future willingness to cooperate with law enforcement.

a. Personnel shall facilitate an individual's access to other governmental services whenever possible, and shall actively provide referrals to other appropriate agencies.

b. All personnel shall courteously accept, document, and forward to the Chief of Police any complaints made by an individual against the department. Further, officers shall provide information on the complaint's process and shall give copies of "How to Make a Complaint" when requested or when it is reasonable to assume

6. When feasible, personnel shall offer explanations of the reasons for enforcement actions or other decisions that bear on the individual's well-being unless the explanation would undermine an investigation or jeopardize an officer's safety.

7. When concluding an encounter, personnel shall thank him or her for cooperating.

8. When feasible, all personnel shall identify themselves by name. When a person requests the information, personnel shall give their departmental identification number, name of the immediate supervisor, or any other reasonable information.

9. All personnel are accountable for their actions. Personnel shall justify their actions when required.

B. Supervisory responsibilities

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2.2 Racial Profiling and Bias Reduction (TBP References: 2.01)

1. Supervisors shall be held accountable for the observance of constitutional safeguards during the performance of their duties and those of their subordinates. Supervisors shall identify and correct instances of bias in the work of their subordinates.
2. Supervisors shall use the disciplinary mechanisms of the department to ensure compliance with this order and the constitutional requirements of law enforcement.
3. Supervisors shall be mindful that in accounting for the actions and performance of subordinates, supervisors are critical to maintaining community trust in law enforcement. Supervisors shall continually reinforce the ethic of impartial enforcement of the laws, and shall ensure that personnel, by their actions, maintain the community's trust in law enforcement.
4. Supervisors are reminded that biased enforcement of the law engenders not only mistrust of law enforcement, but increases safety risks to personnel as well as exposing the employee(s) and department to liability.
5. Supervisors shall be held accountable for repeated instances of biased enforcement of their subordinates if the supervisor knew, or should have known, of the subordinate's actions.
6. Supervisors shall ensure that all enforcement actions are duly documented per departmental policy. Supervisors shall ensure that all reports show adequate documentation of reasonable suspicion and probable cause, if applicable. Any enforcement action that begins as a consensual encounter will also have the circumstances of the initial encounter documented.
7. Supervisors shall facilitate the filing of any complaints about law- enforcement service.
8. Supervisors will randomly review at least three video tapes per officer (either body camera and/ or in-car camera video) per quarter. For this policy a "quarter" is defined as a 3-month period of time. Supervisors are not required to watch each incident of an entire shift; however, reviewing the footage in a manner intended to gain an understanding of that officer's performance and adherence to policy and law is required. Supervisors will document the random review of the video in their daily activity logs and any violations of policy or law will be addressed through the use of existing internal affairs policy. (TBP: 2.01)
9. Section 8 above applies only to first-line uniformed officers and their immediate supervisors. In the absence of a first-line supervisor this responsibility will move to the Field Operations Commander.

C. Disciplinary consequences

Actions prohibited by this order shall be cause for disciplinary action, up to and including dismissal.

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2.2 Racial Profiling and Bias Reduction (TBP References: 2.01)

D. Training (TBP: 2.01)

Officers shall complete all training required by state law regarding bias- based profiling.

202.5 COMPLAINTS

A. The department shall publish “How to Make a Complaint” folders and make them available at the police facility. The department’s complaint process and its bias-based profiling policy will be posted on the department’s website. The information shall include, but is not limited to, the email, physical address, and telephone contact information for making a complaint against an employee. Whenever possible, the media will be used to inform the public of the department’s policy and complaint process.

B. Complaints alleging incidents of bias-based profiling will be fully investigated as described under Policy 2.4.

C. Complainants will be notified of the results of the investigations when the investigation is completed.

202.6 RECORD KEEPING

A. The department will maintain all required records on traffic stops where a citation or warning is issued or where an arrest is made subsequent to a traffic stop.

B. The information collected above will be reported to the city council as required by law.

C. The information will also be reported to TCOLE in the required format.
