



SEGUIN POLICE DEPARTMENT



2021 CITIZEN CONTACT REPORT

February 17, 2022

Executive Summary

Article 2.132 (7) of the Texas Code of Criminal Procedure requires the annual reporting to the local governing body of data collected on the race or ethnicity of individuals stopped and issued citations, given warnings, or arrested for traffic violations and whether or not those individuals were searched.

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

The analysis of statistical information reveals that there are no indications of systemic racial profiling by the department.

The SPD is in full compliance with applicable Texas law concerning the prohibition of racial profiling.

Introduction

This report details an analysis of the Seguin Police Department's statistical information on citizen contacts resulting from motor vehicle stops for the year 2021. According to the State of Texas Code of Criminal Procedure Article 2.132, "race or ethnicity" means one of the following categories:

- Alaska native or American Indian
- Asian or Pacific Islander
- Black
- White
- Hispanic or Latino

This report has been prepared to specifically comply with Article 2.134 of the Texas Code of Criminal Procedure regarding the compilation and analysis of motor vehicle stop data.

For the purposes of this report and analysis, the following definition of racial profiling is used: *Racial profiling means a law enforcement-initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity* (Texas CCP Article 3.05).

One portion of the demographic information contained in this report was taken from the demographic profile from the July 21, 2021 (est.) census. Seguin demographic information was compared to Guadalupe County information for analytical and comparison purposes.

The greatest challenge in presenting meaningful numbers is using an appropriate comparison. Census data is the most readily available data that identifies the demographics of the city and county. However, the accuracy of census data is always questioned and even if accurate in the beginning, the data becomes aged and out of date as the decade progresses. Since the data is only collected every ten years, the data becomes less and less accurate with each passing year.

An additional challenge using only census data is that it may not reflect who is actually driving on the streets of Seguin and therefore subject to a stop by law enforcement. For example, Seguin has one (1) interstate highway, three (3) state highways, county roads and countless city roads crisscrossing through the community. Many of the motorists traveling these highways do not live in Seguin or Guadalupe County and are therefore not reflected in our census data.

The Census Bureau considers Hispanics to be a culture and not a race, so there are White Hispanics and Black Hispanics. This can cause some individuals to be counted twice, depending on how the individual completes the Census survey form. On the other hand, the State of Texas considers "Hispanic" to be a race. However, the State does not provide any census data based on their definitions of race.

2021 Census Population – City of Seguin*

Total Population	29,433	
Alaska Native/American Indian	118	0.4%
Asian or Pacific Islander	588	2.0%
Black	2237	7.6%
White	11,479	39.0%
Hispanic or Latino	15,011	51%

*These numbers (percentages only) provided by the 2021 US Census Bureau Population and rounded to equal 100% <https://www.census.gov/quickfacts/fact/table/seguincitytexas,US/PST045221?>

2021 Census Population – Guadalupe County*

Total Population	172,706	
Alaska Native/American Indian	1727	1.0%
Asian or Pacific Islander	3800	2.2%
Black	15,198	8.8%
White	85,144	49.3%
Hispanic or Latino	66,492	38.5%
Multi-Race/Unassigned	345	.2%

* These numbers (percentages only) provided by the 2021 US Census Bureau Population and rounded to equal 100% <https://www.census.gov/quickfacts/fact/table/seguincitytexas,US/PST045221?>

Another option many agencies use for comparison purposes is crash data from motor vehicle accidents occurring within the community. Driver data from motor vehicle crashes are analyzed to obtain a reflection of who the drivers are within a community. Unfortunately, this system also comes with limitations. The data only includes information where the Seguin Police Department took an official police report. It does not include minor accidents such as parking lot accidents where no official police report is filed. However, the crash data method does provide a much more representative sample of those driving on our streets than does the census model.

2021 Crash Data – City of Seguin

Total Reported Crashes	1224*	
Alaska Native/American Indian	2	0.16%
Asian or Pacific Islander	23	1.88%
Black	92	7.51%
White	572	46.73%
Hispanic or Latino	517	42.24%
Unknown/Other	18	1.5%

*Total drivers included is 1224. Not every crash involved two drivers. Some were single vehicle accidents

Seguin Police Department Policy on Racial Profiling

A review of SPD policies reveal that the department has adopted policies to comply with Article 2.132 of the Texas Code of Criminal Procedure. There are seven specific requirements mandated by Article 2.132 that a law enforcement agency must address. All seven are clearly covered in Departmental policies. The General Orders provide clear direction that any form of racial or bias-based profiling is prohibited and that officers found engaging in inappropriate profiling may be disciplined up to and including termination. The policies also provide a very clear statement of the agency's philosophy regarding equal treatment of all persons regardless of age, gender, sexual orientation, race, color, creed, ethnic background, economic status, cultural group, any other identifiable group, or national origin.

General Order 03.32 (Bias-Based Profiling), Section 3.02 states:

Employees of the Seguin Police Department are prohibited from practices of racial or bias-based profiling. Any employee found, after thorough investigation and review, to have engaged in racial or bias-based profiling shall be subject to disciplinary action, which may result in disciplinary action up to and including termination. In accordance with SPD/GO 02.18 any person or persons alleging racial or bias-based profiling may file a complaint against any employee(s) of the Department.

Seguin Police Department Training and Education on Racial Profiling

Texas Occupation Code § 1701.253 requires that Peace Officers, not later than the second anniversary of the date the officer is licensed, to complete statewide comprehensive education and training on Racial Profiling. Officers hired directly from a Police Academy are typically trained having already received this state-mandated training. The Seguin Police Department provides bi-annual training on racial and bias-based profiling policies for all police officers as required by the Texas Best Practices Recognition Program and our General Orders. In February 2021, all Officers were re-issued General Order 03.32 (Biased-Based Profiling) for review, training and update.

Seguin Police Department Complaint Process and Public Education on Citizen Contacts

Article 2.132 §2(b)3-4 of the Texas Code of Criminal Procedure requires that law enforcement agencies implement a complaint process on motor vehicle stops and that the agency provide public education on the complaint process. The department has prepared a brochure and form on the citizen complaint process which includes a specific section on citizen contacts. The brochure is clearly written and provides detailed information on the process and whom to contact to file a complaint. The department also provides detailed instructions and a complaint form on the department's website as well as the Municipal Court website https://www.seguintexas.gov/departments/police/compliment_complaint_new.php.

Seguin Police Department Video Review

In accordance with State mandates and Departmental Policy, the Seguin Police Department regularly reviews video footage captured by body worn cameras and cameras installed in the patrol vehicles. The footage is chosen randomly by supervisors, and a log is maintained documenting the review. In addition to random viewing, the footage is reviewed when related to complaints or as evidence. There have been no violations or indications of racial profiling found during this ongoing review process in 2021.

2021 Comparative Analysis of Traffic Stops

Seguin Police Officers made a total of 9747 motor vehicle stops that resulted in citations, warnings, or arrests during 2021. Figure 1 depicts the percentages of people stopped by race. The number of stops are then compared against the percentage by race as represented by the Census in Seguin, Guadalupe County, and Seguin crash data analysis. Highlights include:

- Male drivers are stopped at a higher percentage than female drivers (58% vs 42%).
- Hispanic drivers are stopped at a percentage slightly lower than represented by the Census for Seguin (50.2% stopped compared to 51% Census), higher than the Guadalupe County Census (38.5%) and slightly higher than the crash data (42.24%).
- Black drivers are stopped at a slightly higher percentage than represented by the Census for Seguin (8.8% stopped compared to 7.6% Census), consistent with the Guadalupe County Census (8.8%) and slightly higher than the crash data (7.51%).
- White drivers are stopped at a percentage slightly higher than represented by the Census for Seguin (39.7% stopped compared to 39% Census), lower than the Guadalupe County Census (49.3%) and lower than the crash data (46.73%).

Figure 1
Traffic stops resulting in Citations, Warnings, or Arrests –

	Alaska Native/American Indian	Asian or Pacific Islander	Black	White	Hispanic or Latino	Totals
Total Contacted	19	91	863	3877	4897	9747
Percentage Stopped	.19%	.93%	8.85%	39.78%	50.25%	100%
Seguin Population	0.4%	2.0%	7.6%	39.0%	51.2%	100%
Guadalupe Population	1.0%	2.2%	8.8%	49.3%	38.5%	99.8%
Crash Data	0.16%	1.88%	7.51%	46.73%	42.24%	1224

Motor Vehicle Stops = 9747

Figure 2
Comparative Analysis Outcome of Motor Vehicle Stops Regarding Citations, Warnings and Arrests –

	Alaska Native/American Indian	Asian or Pacific Islander	Black	White	Hispanic or Latino	Totals
Total Contacted	19	91	863	3877	4897	9747
Percentage Stopped	.19%	.93%	8.85%	39.78%	50.25%	100%
Citation	8 (42.1%)	30 (32.97%)	207 (23.99%)	1183 (30.51%)	1345 (27.47%)	2773
Citation and Arrest	0%	0%	3 (.35%)	6 (.15%)	10 (.20%)	19
Verbal or Written Warning	11 (57.89%)	60 (65.93%)	629 (72.88%)	2663 (68.69%)	3454 (70.53%)	6817
Written Warning and Arrest	0%	1 (1.09%)	18 (2.08%)	19 (.49%)	73 (1.49%)	111
Arrest	0%	0%	4 (.46%)	4 (.49%)	19 (.38%)	27

Motor Vehicle Stops = 9747

Drivers stopped by Seguin Police Officers were much more likely to receive a verbal or written warning than a citation during 2021 (70% warnings vs 30% citations). Alaska Native/American Indian drivers were more likely to receive a citation (42.1% of the time) followed by Asian or Pacific Islander drivers (32.97% of the time), white drivers (30.51 % of the time), Hispanic or Latino drivers (27.47% of the time) and Black drivers (23.99% of the time).

Black drivers were more likely to receive a verbal or written warning (72.88% of the time) followed by Hispanic or Latino drivers (70.53% of the time), white drivers (68.69% of the time), Asian or Pacific Islander drivers (65.93% of the time), and Alaska Native/American drivers (57.89% of the time).

Figure 3
Comparative Analysis of Motor Vehicle Stops Resulting in Arrest – Reason for Arrest

	Alaska Native/American Indian	Asian or Pacific Islander	Black	White	Hispanic or Latino	Totals
Total Arrested	0	1	25	29	102	157
Percentage Arrested	.0%	1.09%	2.89%	.74%	2.08%	1.61%
Penal Code Violation	8 (42.1%)	1 (100%)	19 (76.0%)	22 (75.86%)	76 (74.50%)	118

Traffic Law Violation	0	0	0	1 (3.44%)	3 (2.94%)	4
City Ordinance Violation	0	0	0	0	0	0
Outstanding Warrant	0	0	6 (24%)	7 (24%)	22 (21.56%)	35

Motor Vehicle Stops = 9747

Custodial arrests were made 157 times (1.61%) of the drivers stopped across all races. Arrests were made based on Penal Code violations 75.15% of the time across all races and Outstanding Warrants 22.29% of the time across all races.

One data point required of the Code of Criminal Procedure is to identify whether the Officer knew the race of the person they stopped prior to the motor vehicle stop. In 2021, Seguin Police Officers reported knowing the race of the operator of the motor vehicle 208 (2.13%) times prior to the stop and not knowing the race prior to the stop 9,539 times.

Finally, the State requires data collection on “*was physical force resulting in Bodily Injury used during stop.*” During 2021, out of the 9747 traffic stops, two (2) motor vehicle stops involving Hispanic drivers met this criteria (.02%).

2021 Analysis of Persons Searched

The State statute requires police departments to capture data related to searches resulting from motor vehicle stops. The State statute recognizes and requires reporting on four types of searches; *Consent, Contraband in Plain View, Incident to Arrest and Probable Cause*. Unfortunately, the statute does not define “search”.

The State’s mandatory collection for racial profiling data is not consistent with the lawful terms and methodology used by law enforcement agencies. For example, if an officer observes “*contraband in plain view*”, this situation then becomes “*probable cause*.” For accurate data collection purposes, the officer in the field has to then make a choice on how to document this particular situation in the mandatory racial profiling data collection.

The term “search” can mean different things to different people and the term can mean one thing to law enforcement and another to citizens. The definitions listed below are the terms and definitions relative to law enforcement as it relates to this reporting requirement.

Vehicle Search – a search of a vehicle based on probable cause or consent. If an officer has *probable cause* to believe there is contraband or evidence in a vehicle, the officer may search the vehicle. Probable cause can be obtained by an officer viewing

contraband in *plain view* within the vehicle as described above. The vehicle occupant can also give *consent* for the officer to search the vehicle.

Search incident to arrest – This search refers to a search of an individual and their vehicle (if arrested while operating a motor vehicle) after they have been arrested.

The table below reports the summaries for the total number of vehicles searched subsequent to being stopped by SPD. Individuals are searched after being stopped for a variety of reasons. Officers may be concerned for their personal safety (the possibility of a weapon), they may have probable cause that a crime has been committed and the person stopped is concealing evidence of the crime, or they may only have reasonable suspicion of a criminal offense and request consent from the person to search the person or vehicle (which can be lawfully denied). As can be seen, the majority of searches are based on probable cause and not based on consent.

Figure 4
Comparative Analysis of Searches by Race

	Alaska Native/American Indian	Asian or Pacific Islander	Black	White	Hispanic or Latino	Totals
Total Contacted	19	91	863	3877	4897	9747
No Search	19	90	822	3814	4680	9426
Percent Searched	0	1.09%	4.75%	1.62%	4.41%	3.29%
Searched with Probable Cause	0	1 (100%)	33 (80.49%)	43 (68.25%)	131 (60.37%)	208 (64.8%)
Incident to Arrest	0	1	19	22	11	118
Inventory	0	0	0	2	3	5
Contraband in Plain View	0	0	1	3	1	5
Searched by Consent	0	0	5 (12.19%)	13 (20.63%)	70 (32.25%)	88 (27.41%)
Total Searched	0	1	41	63	217	321

Motor Vehicle Stops = 9747

Out of 9747 motor vehicle stops conducted by the Seguin Police Department, 321 or 3.29% resulted in a search of the vehicle. More than 96% of the stops did not result in a search. In the cases that a search was conducted, the majority of the time (68.25% for white, 60.37% for Hispanics and 80.49% for black drivers), the Officer had Probable Cause to conduct the search. Hispanic drivers are searched by consent at a higher rate (32.25% of the 321 total searches) than other represented races. This stems in part from intelligence-led investigative initiatives focusing on known or suspected narcotics traffickers and directed gang enforcement efforts.

Analysis of Compliance by Seguin Police Department

The foregoing analysis shows that SPD is fully in compliance with all relevant Texas law concerning citizen contacts (motor vehicle stops). Data on motor vehicle stops revealed that all races are stopped at a percentage that is generally representative of the Guadalupe County area. The comparison percentages change slightly when compared to the City of Seguin vs. the County of Guadalupe and the City crash data, but it demonstrates the difficulty in getting truly meaningful comparisons.

Another point of consideration is the fact that some drivers that we stop for traffic violations do not live in Seguin or Guadalupe County, thus making meaningful comparisons more difficult. As previously mentioned, there are several highways that travel through Seguin. It is reasonable to assume that these individuals commit their share of traffic violations and are stopped by Seguin Police Officers.

While the small numbers make statistical analysis difficult, the search data does demonstrate that searches of drivers are not significantly different when examining race. Given the overall small percentages of searches of any one particular group, no evidence exists that would suggest any selective targeting or disparate impact of any racial or ethnic group.

Complaints

The Department received no official complaints of an employee engaging in racial profiling or biased-based policing in 2021.

Summary

Statistics alone will never reveal whether a particular police officer or officers engage in racial profiling or not. The police department makes every effort to ensure that each officer is trained and held to high standards of conduct. In the end, a police department relies on the ethics of its officers, the values instilled within the organization and policies that are relentlessly followed. This department strives to be and is relatively racially consistent to the community that we serve so it is reasonable that if a minority officer observed another officer racially profiling any members of the community, that minority officer would be offended and report it. The Seguin Police Department consistently seeks to establish a culture of unquestionable ethics and self-accountability within the department.

Police Department by Race (Sworn Officers Only) – December 31, 2021
Authorized 63 Sworn

Total Number of Officers	56	
White	25	45%
Black	2	3.5%
Hispanic or Latino	29	52%
Asian or Pacific Islander	0	0%
Alaska Native/American Indian	0	0%

The Seguin Police Department is committed to providing police services in a fair and bias free manner. Seguin police officers are some of the finest and most well-trained officers in the region and are committed to avoiding any form of bias-based policing. Our mission remains to provide the highest level of professional police and emergency services, and dedicating ourselves to protecting life and property, while maintaining the highest ethical standards.

The Seguin Police Department is also committed to providing promotional opportunities to officers of every race and gender. In an effort to identify the best candidates for promotion, the Seguin Police Department utilizes a multi-faceted promotional process consisting of a written test to evaluate job knowledge and an oral board to evaluate personality and leadership dimensions.

The racial makeup of the supervisory staff is shown below.

Total Number of Supervisors (Sworn Only – Corporals & higher)	16	
White	10	63%
Black	1	6%
Alaska Native/American Indian	0	0%
Asian or Pacific Islander	0	0%
Hispanic or Latino	5	31%

TCOLE Submitted Reports

Recent legislation changes require that agencies submit specified data to the Texas Commission on Law Enforcement (TCOLE) reference to the comparative analysis of motor vehicle stops, searches and race. To be in compliance, the following attachments, as well as this report, have been submitted to the Texas Commission on Law Enforcement as required by law.

Attachment "A" is the Racial Profiling Report provided by Brazos Technology where our data is inputted/stored for each motor vehicle stop.

Agency Name: Seguin Police Department

Reporting Date: February 21, 2022

TCOLE Agency Number: 187204

Chief Administrator: Chief Terry Nichols

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