

## **I. Purpose**

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

In addition to the provisions set forth in this policy, all sworn and supervisory members of this department are required to demonstrate full understanding and appreciation of the content and the intent of the racial profiling laws of this state and the department's commitment to gathering the most accurate, reliable, and complete data possible. Compliance requires officers to follow the provisions of this policy with utmost diligence, thereby assuring that no particular race or ethnicity is over- or under-represented in the data reflecting the department's field contacts. All sworn and supervisory members of this department will ensure that they and other members apply this standard in keeping with the purpose of the racial profiling laws and the department's policy.

## **II. Policy**

It is the policy of this department to police in a proactive manner and to aggressively investigate suspected violations of law. Officers shall actively enforce state and federal laws in a responsible and professional manner, without regard to race, ethnicity, or national origin. Officers are strictly prohibited from engaging in racial profiling, or any profiling based on ethnic background, gender, sexual orientation, religion, age, economic status, cultural group, or any other identifiable group.

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

## **III. Procedure**

### **A. Definitions**

1. Bias: Prejudice or partiality which may be based on preconceived ideas, a person's upbringing, culture, experience, or education.
2. 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. Biased-based profiling includes racial profiling as defined in this policy.

3. 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. Racial profiling pertains to persons who are viewed as suspects or potential suspects of criminal behavior. The term is not relevant as it pertains to witnesses, complaints, persons needing assistance, or other citizen contacts. The prohibition against racial profiling does not preclude the use of race, ethnicity, or national origin as factors in a detention decision by a peace officer. Race, ethnicity, or national origin may be legitimate factors in such a decision when used as part of a description of a suspect or witness for whom a peace officer is searching.

4. Race or ethnicity – means of a particular descent, including Caucasian, African, Hispanic, Asian, Native American, or Middle Eastern descent.

5. Traffic stop – occurs when a peace officer stops a motor vehicle for an alleged violation of the law or ordinance regulating traffic.

#### B. Prohibitions

*Officers will not engage in racial profiling or in biased-based policing.*

#### C. Training

1. Officers are responsible for adhering to all Texas Commission on Law Enforcement (TCOLE) training and the Law Enforcement Management Institute of Texas (LEMIT) requirements as mandated by law.

2. Officers shall complete TCOLE training and education program on racial profiling not later than the second anniversary of the date the officer is licensed under Chapter 1701 of the Texas Occupations Code or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier. A person who on September 1, 2022, held a TCOLE intermediate proficiency certificate, or who had held a peace officer license issued by TCOLE for at least two (2) years, shall complete a TCOLE training and education program on racial profiling not later than September 1, 2023.

3. The Chief of Police, as part of the initial training and continued education for such an appointment, will be required to attend the LEMIT program on racial profiling.

4. An individual appointed or elected as a police chief before the effective date of this Act shall complete the program on racial profiling established under Subsection (j), Section 96.641, Education Code, as added by this Act, not later than September 1, 2024.

#### D. Complaint Investigation

1. The department shall accept complaints from any person who believes has been stopped or searched based on racial, ethnic, or national origin profiling. No person shall be discouraged, intimidated, or coerced from filing a complaint, nor discriminated against because such a complaint was filed.
2. Any employee who receives an allegation of racial profiling, including the officer who initiated the stop, shall record the person's name, address, and telephone number, and forward the complaint through the appropriate channel. Any employee contacted shall provide to that person information about the department's process for filing a complaint. All employees will report any allegation of racial profiling to the shift supervisor before the end of shift.
3. Investigation of a complaint shall be conducted in a thorough and timely manner. All complaints will be acknowledged in writing to the initiator who will receive disposition regarding said complaint within a reasonable period of time. The investigation shall be reduced to writing and any reviewer's comments or conclusions shall be filed with the Chief of Police. When applicable, findings and/or suggestions for disciplinary action, training, or changes in policy shall be filed with the Chief of Police.
4. If a racial profiling complaint is sustained against an officer, it will result in appropriate corrective and/or disciplinary action, up to and including termination.
5. If there is a departmental video or audio recording of the events upon which a complaint of racial profiling is based, upon commencement of an investigation by this department into the complaint, this department shall promptly provide a copy of the recording to that officer.

#### E. Public Education

The Administrative Manager will inform the public of its policy against racial profiling and the complaint process. Methods that may be utilized to inform the public include news media, radio, service or civic presentations, the Internet, as well as governing board meetings. Additionally, information will be made available as appropriate in languages other than English.

#### F. Citation Data Collection and Reporting

1. An officer is required to collect 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 officer knew the race or ethnicity of the individual detained.

2. The Department's Administration shall, prior to February 15th of each year, submit a report containing the information compiled by the citations from the previous calendar year to the Chief of Police. The report will include:

- a. a breakdown of citations by race or ethnicity;
- b. the number of citations that resulted in a search;
- c. the number of searches that were consensual; and
- d. the number of citations that resulted in custodial arrest for this cited violation or any other violation.

3. For purposes of this policy, the terms "reasonable suspicion" and "detention" have the same meanings as assigned by the Texas Commission on Law Enforcement and consistent with the Department's own training and Training Bulletin Manual.

- a) When Traffic Contact Cards required
  - I. Officers are required to complete a Traffic Contact Card (TCC) when any occupant of a motor vehicle is detained as the result of a traffic stop.
  - II. If more than one occupant is detained, only one TCC will be submitted, indicating the highest level of police action taken during the stop (i.e., arrest)
- b) Information to be included in the Traffic Contact Card
  - I. A physical description of each person detained as a result of the stop, including:
    - c) the person's gender;
    - d) the person's race or ethnicity, as stated by the person or as determined by the officer to the best of the officer's ability;
      - The street address or approximate location of the stop.
      - The suspected offense or the traffic law or ordinance alleged to have been violated.
      - Whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search or whether probable cause to search existed and, if so, the facts supporting the cause for the search.
      - Whether any contraband was discovered in the course of the search and, if so, the type of contraband discovered.
      - Whether the officer made an arrest as a result of the stop and/or search and, if so, a statement of the offense charged.
      - Whether the officer knew the race or ethnicity of the individual detained prior to the detention.
      - Whether force was used that resulted in bodily injury.

#### G. Disposition of data analysis

The Chief of Police shall compile and analyze the data collected and, not later than March 1st of each year, submit a report containing data compiled from the preceding year to both the City Council and to the Texas Commission on Law Enforcement. This report will include:

1. A comparative analysis of the required information compiled to:
  - a. evaluate and compare the number of motor vehicle stops 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, categorized according to the race or ethnicity of the affected persons, as appropriate, including any searches resulting from stops.
2. information relating to each complaint filed with the department alleging racial profiling.
3. This report will not include identifying information about an officer who makes a motor vehicle stop or about an individual who is stopped or arrested by a peace officer.

#### H. Use of Video and Audio Equipment

The department is exempt from the compilation, analysis and reporting requirements of Articles 2.133 and 2.134 of the Texas Code of Criminal Procedure if during the calendar year preceding the date of the reporting requirement:

1. each law enforcement motor vehicle regularly used by the department to make motor vehicle stops is equipped with a video camera and transmitter-activated equipment;
2. each motor vehicle stop made by an officer that is capable of being recorded by video and audio, as appropriate, is recorded by using the equipment;
3. the recorded media of each traffic and pedestrian stop is retained for at least ninety (90) days after the date of the stop or until the final disposition of the complaint if a complaint is filed alleging racial profiling with respect to a motor vehicle stop; and

I. The Field Operations Supervisor/Chief of Police will ensure that officers are recording motor vehicle stops and the department is compliant with applicable laws and this policy by performing random reviews of at least three encounters by each patrol officer per quarter.