
Racial/Bias-Based Profiling

326.1 PURPOSE AND SCOPE

The purpose of this policy is to reaffirm the Highland Park Department of Public Safety's commitment to unbiased policing in all its encounters with any person; to reinforce procedures that serve to ensure public confidence and mutual trust through the provisions of services in a fair and equitable fashion; and to protect our officers from unwarranted accusations of misconduct when they act within the dictates of departmental policy and the law.

326.2 DEFINITIONS

Racial Profiling - a law enforcement-initiated action based on but not limited to, an individual's race, ethnicity, national origin, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable groups rather than on the individual's behavior or on information identifying the individual as having engaged in a criminal activity. The term is not relevant as it pertains to witnesses, complainants, persons needing assistance, or other citizen contacts.

Race or Ethnicity - persons of a particular descent including Caucasians, African, Hispanic, Asian, Middle Eastern or Native American descent.

Acts Constituting Racial Profiling - acts initiating law enforcement action, such as a traffic stop, a detention, a search, issuance of a citation, or an arrest based solely upon an individual's race, ethnicity, or national origin or on the basis of racial or ethnic stereotypes, rather than upon the individual's behavior, information identifying the individual as having possible engaged in criminal activity, or other lawful reasons for the law enforcement action.

Motor Vehicle Contact - means an occasion in which a peace officer stops a motor vehicle for an alleged violation of law or ordinance or in response to a call for service.

326.3 POLICY

It is the policy of this department to police in a proactive manner and to aggressively investigate suspected violations of the law. Officers shall actively enforce local, state and federal laws to include traffic contacts, field/pedestrian contacts, and in asset seizure and forfeiture efforts in a responsible and professional manner, without regard to race, ethnicity, national origin, religion, gender, sexual orientation, economic status, age cultural group, disability, or affiliation with any other similar identifiable group. Officers are strictly prohibited from engaging in racial/bias based profiling as defined in this policy. Racial/bias based profiling is an unacceptable police tactic and will not be condoned.

This Policy is adopted in compliance with the requirements of Articles 2.131 through 2.138, Texas Code of Criminal Procedure and Senate Bill 1704 which prohibits Texas peace officers from engaging in racial/bias based profiling.

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326.4 PROHIBITION

Officers of the Highland Park Department of Public Safety are strictly prohibited from engaging in racial/bias based profiling. The prohibition against racial/bias based profiling does not preclude the use of race, ethnicity or national origin as factors in a detention decision by an 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 an officer is searching.

Officers of the Highland Park Department of Public Safety shall not engage in racial/bias based profiling based solely on gender, sexual orientation, economic status, age, cultural group, disability, or affiliation with any other similar identifiable group.

326.5 COMPLAINT PROCESS

No person shall be discouraged, intimidated or coerced from filing a complaint, or be discriminated against because they have filed a complaint.

Any person who believes that a peace officer employed by the Highland Park Department of Public Safety has engaged in racial/bias based profiling with respect to that person, may file a complaint with the provisions of the Personnel Complaint Policy.

- (a) An employee who is contacted regarding a complaint against an officer shall follow the Filing of Complaints policy.
- (b) Citizens who appear in person wishing to file a complaint shall be provided with a departmental brochure, "How to File a Complaint." Brochures are maintained in the Highland Park Department of Public Safety lobby. Citizens may also be directed to the Departmental website to file a complaint.

Any supervisor who becomes aware of an alleged or suspected violation of this policy shall report the alleged violation in accordance with the Personnel Complaint Policy.

Complaints of racial/bias based profiling shall be investigated by the Internal Affairs Division, unless otherwise directed by the Director of Public Safety. A log of racial/biased based complaints will be maintained by the Secretary to the Director.

326.5.1 DISCIPLINARY AND CORRECTIVE ACTIONS

Any officer of this Department who is found, after investigation, to have engaged in racial profiling in violation of this policy may be subject to disciplinary action, up to and including termination. Disciplinary or corrective actions may include diversity, sensitivity or other appropriate training or counseling, as determined by the Director of Public Safety.

326.6 PUBLIC EDUCATION

This Department shall provide education to the public concerning the racial profiling complaint process. The primary method of public education shall be through the "How to File a Complaint" brochures which are maintained in the lobby of the Highland Park Department of Public Safety. Other education methods may be utilized to inform the public, including news media, civic presentations, the internet, and/or public meetings.

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326.7 COLLECTION OF INFORMATION AND ANNUAL REPORT WHEN CITATION ISSUED OR ARREST MADE

For each motor vehicle contact in which a citation is issued and/or for each arrest resulting from a motor vehicle contact, the officer involved in the stop shall collect the following information:

(a) If the person contacted is a resident of the Town of Highland Park it shall be reflected in the data that is entered.

(b) The gender of the person being reported.

(c) Information identifying the race or ethnicity of the person detained. The following codes will be used to identify the individual's race:

A = Asian

B = Black

H = Hispanic

I = American Indian

M = Middle Eastern

W = Caucasian

Note: If the person contacted does not state their race or ethnicity, the race or ethnicity will be determined by the officer to the best of their ability.

(d) Whether the officer knew the race or ethnicity of the individual before detaining them.

(e) What violation/charge was used to make first contact or was it a call for service.

(f) What was the person charged with?

(g) Whether a search was conducted.

(h) If a search was conducted did the individual consent to the search.

(i) Whether the search was conducted because probable cause existed.

(j) Whether contraband was found, and if so what was the contraband.

The information collected shall be entered into a database utilizing the appropriate fields on the electronic ticket writers or computers available in the Department. All contacts requiring racial/bias based profiling data must be collected.

(a) In the event the data is unable to be collected electronically (i.e. a handwritten citation is issued), the data will be recorded in memo format and forwarded with a copy of the citation to the Accreditation Manager for entry and tracking.

The Accreditation Manager shall ensure all racial/bias based profiling data is collected and reported to the Director of Public Safety. The data collected shall be compiled in an annual report covering the period January 1 through December 31 of each year, and shall be submitted to the

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Texas Commission on Law Enforcement and the governing body of the Town of Highland Park no later than March 1 of the following year. The report will include:

- (a) A breakdown of citations by race or ethnicity;
- (b) Number of citations that resulted in a search;
- (c) Number of searches that were consensual;
- (d) Number of citations that resulted in custodial arrest; and
- (e) Public education efforts concerning the racial profiling complaint process.

The annual report shall not include identifying information about any individual stopped or arrested, and shall not include identifying information about any peace officer involved in a stop or arrest.

326.8 AUDIO AND VIDEO EQUIPMENT

Each motor vehicle to include motorcycles regularly used by this department to make motor vehicle contacts shall be equipped with a mobile video camera system capable of recording video and audio.

Each motor vehicle contact made by an officer of this department capable of being recorded by video and audio shall be recorded.

Supervisors and officers shall ensure that mobile video camera and audio equipment is properly functioning prior to commencing their tour of duty. Police units with malfunctioning or inoperable mobile video camera equipment shall not be utilized under normal circumstances.

Supervisors shall have the authority to assign units with malfunctioning or inoperable mobile video equipment when situations dictate. Officers assigned to such units shall collect and document the information listed below for each motor vehicle contact. All documentation must be submitted to the officer's supervisor prior to the end of that officer's shift.

- (a) A physical description of any person operating the motor vehicle, who is detained as a result of the stop, including:
 - 1. The person's gender; and
 - 2. 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 his or her ability. Officers will not ask the individual to identify their race or ethnicity;
- (b) Whether the officer knew the race or ethnicity of the individual detained before detaining that individual;
- (c) The initial reason for the stop;
- (d) Whether the officer conducted a search as a result of the stop, and, if so, whether or not the person detained consented to the search;

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- (e) Whether any contraband or other evidence was discovered in the course of the search and a description of the contraband or evidence;
- (f) The reason for the search, including whether;
 - 1. Any contraband or other evidence was in plain view;
 - 2. Any probable cause or reasonable suspicion existed to perform the search; or
 - 3. The search was performed as a result of the towing of the motor vehicle or the arrest of any person in the motor vehicle.
- (g) 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 Penal Code, a violation of traffic law or ordinance or an outstanding warrant and a statement of the offense charged.
- (h) The street address or location of the stop;
- (i) Whether the officer issued a citation as a result of the stop; and
- (j) Whether the person contacted is a resident or non-resident of the Town of Highland Park.

326.9 REVIEW OF VIDEO AND AUDIO DOCUMENTATION

Each audio and video recording shall be retained for a minimum period of ninety (90) days, unless a complaint is filed alleging that an officer has engaged in racial/bias based profiling with respect to a motor vehicle contact. The Criminal Investigations Lieutenant shall ensure that all audio and recordings are properly stored and retained in accordance with applicable laws and this policy.

If a complaint is received alleging an officer has engaged in racial/bias based profiling, the audio/video recording shall be forwarded to the assigned Internal Affairs Investigator. The Internal Affairs Investigator shall retain the video until final disposition of the complaint has been made.

Each shift supervisor shall review a randomly selected sample of no less than three (3) video and audio recordings, made the previous quarter, in order to determine if patterns of racial/bias based profiling exist. The Assistant Chief shall conduct the review of the Shift Captains. These reviews shall be conducted quarterly and documented on the appropriate form.

- (a) Written documentation shall include:
 - (a) The employee number of the officer whose contacts were reviewed;
 - (b) The date(s) of the videos reviewed;
 - (c) The date the actual review was conducted; and
 - (d) The employee number of the supervisor conducting the review.
- (b) The Shift Captains shall forward the required documentation to the Assistant Chief for review.
- (c) The Assistant Chief shall forward the documentation to the Accreditation Manager who shall maintain a file of all video review documentation performed, in compliance with this policy.

In reviewing audio and video recordings, supervisors shall seek to determine if the officer(s) reviewed have engaged in a pattern of racial/bias based profiling, that includes multiple

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acts of constituting racial/bias based profiling for which there is no reasonable, credible explanation based on established police and law enforcement procedures.

326.10 TRAINING

Each peace officer employed by the department shall complete the comprehensive education and training program on racial/bias based profiling established by the Texas Commission of Law Enforcement not later than the second anniversary of the date the officer is licensed or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier.

The Chief of Police shall complete the program on racial profiling training required by Section 96.641, Texas Education Code, established by the Bill Blackwood Law Enforcement Institute of Texas (LEMIT) not later than the second anniversary of the appoint as chief.