

CITY OF OAK POINT

DEPARTMENT OF PUBLIC SAFETY POLICE OPERATIONAL POLICIES and PROCEDURES

POLICY: 2.2 BIASED BASED POLICING

REVISED DATE: 03.11.2020

POLICY:

It is the policy of the Oak Point Department of Public Safety to patrol in a proactive manner, to aggressively investigate suspicious persons and circumstances, and to actively enforce the motor vehicle laws, while insisting that citizens will only be stopped or detained when there exists reasonable suspicion to believe they have committed, are committing, or are about to commit, an infraction of the law. Racial Profiling by Oak Point Police Officers is totally unacceptable and is strictly prohibited in all areas, including traffic contacts, field contacts and in asset seizure and forfeiture efforts.

- I. **PURPOSE:** The purpose of this policy is to unequivocally state that racial and ethnic profiling in law enforcement are totally unacceptable, to provide guidelines for officers to prevent such occurrences, and to protect our officers when they act within the dictates of the law and policy from unwarranted accusations.

- II. **DEFINITIONS:**
 - A. **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.
 - B. **Reasonable Suspicion** - also known as articulable suspicion. Suspicion that is more than a mere hunch, but is based on a set of articulable facts and circumstances that would warrant a person of reasonable caution in believing that an infraction of the law has been committed, is about to be committed, or is in the process of being committed, by the person or persons under suspicion. This can be based on the observations of a police officer combined with his or her training and experience, and/or reliable information received from credible outside sources.
 - C. **Acts Constituting Racial Profiling** - are acts initiating law enforcement action, such as a traffic stop, a detention, a search, issuance of a citation, or an arrest based upon an individual's race, ethnicity, national origin or on the basis of racial or ethnic stereotypes, rather than upon the individual's behavior, information identifying the individual as having possibly engaged in criminal activity, or other lawful reasons for the law enforcement action.

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- C. **Race or Ethnicity** - means of a particular descent, including Caucasian, African, Hispanic, Asian, Native American, or Middle Eastern descent.
- D. **Motor Vehicle Stop** means an occasion in which a peace officer stops a motor vehicle for an alleged violation of a law or ordinance.
- E. **Racial Profiling Collection Sheet** – A data collection form provided to officers of this department to assist the department in collection of data regarding racial profiling reports requirements.

III. PROCEDURES:

- A. No person shall be detained without reasonable suspicion except where otherwise provided for in the law, e.g. detaining those who present an immediate danger to themselves to prevent injury.
- B. All motor vehicle stops will be recorded using the audio/video equipment provided in each vehicle regularly used to stop traffic.
- C. In each motor vehicle or pedestrian where any law enforcement action is taken officers shall fill out a Racial Profiling Collection Sheet when appropriate: the race or ethnicity of the individual detained; whether a search was conducted and, if so, whether the individual detained consented to the search, and whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and all other required information. These are to be turned in with the corresponding citation, report, warning, and/or arrest report/book-in sheet.
- D. When filling out data collection sheets only ONE box per line item maybe marked. For example when an officer makes a stop and gives both a warning and a citation then the data sheet will be marked "Citation", or if an officer has probable cause for a search yet also ask for consent, the form will be marked "Probable Cause". Finally there can only be one race. Officers should ask which race the contact identifies as and if they refuse to say, officers should provide their best educated deduction. These are not charging documents.
- E. In the absence of a specific, credible report containing a physical description, a person's race, ethnicity, or national origin shall not be a factor in determining reasonable suspicion for a stop.

IV. COMPLAINTS OF RACIAL PROFILING:

- A. Any person may file a complaint with the department if they feel they have been stopped or searched based on racial profiling, and no person shall be

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discouraged, intimidated, or coerced from filing such a complaint, or discriminated against because they have filed such a complaint.

- B. Any officer or supervisor contacted by a person who wishes to file such a complaint shall never discourage nor ask the reason for such a complaint, but shall as soon as possible take a statement regarding the complaint. The officer or supervisor shall also obtain the name and phone number of the person making the complaint, if they will provide it, and forward this information to the Director of Public Safety.
- C. The Department shall investigate complaints of racial profiling in the same manner as other complaints. If a complaint involves a stop in which a mobile video or audio recording was made, a copy of the recording will be promptly provided to the police officer who is the subject of the complaint on written request of the officer to the Director of Public Safety. A copy of the video and audio or audio record of the stop will be maintained until final disposition of the complaint. The investigating supervisor will report the findings of the investigation in writing along with recommendations for disciplinary action or changes in policy, training, or tactics to the Director of Public Safety.
- D. Any officer found to have engaged in racial profiling in violation of this policy will be subject to corrective disciplinary action up to and including removal from employment of the City.

V. REVIEW PROCESS:

- A. A sample of the video recordings made by officers will be reviewed at least every 90 days by the respective Sergeant or the Director. Each Supervisor will review one randomly selected days recordings made during the previous 90 days. These tapes will be reviewed in their entirety. Any concerns raised in reference to racial profiling by this review process shall be further investigated by the Director. An annual administrative review of agency practices, including citizen concerns, may be conducted at the direction of the Director of Public Safety.

VI. TRAINING OF ENFORCEMENT PERSONNEL:

The Oak Point Department of Public Safety shall meet the educational requirements related to racial profiling in the Occupations Code Section 1701.253 and 1701.402, established by the Texas Commission on Law Enforcement Officer Standards and Education (TCOLE) and all other mandated training.

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VII. PUBLIC EDUCATION:

The Oak Point Department of Public Safety shall provide written material, in English and Spanish, detailing the department's complaint process. The material shall be available in the lobby of the DPS building. The department will periodically highlight the complaint process through use of the city's community newsletter.

VIII. REPORT TO CITY COUNCIL AND TEXAS COMMISSION ON LAW ENFORCEMENT OFFICER STANDARDS AND EDUCATION:

An annual report relating to motor vehicle stops in which a citation is issued and to arrests resulting from those stops, including information relating to: the race or ethnicity of the individual detained; and whether a search was conducted and, if so, whether the individual detained consented to the search and whether the Peace Officer knew the race or ethnicity of the individual detained before detaining that individual will be submitted to the City Council and Texas Commission on Law Enforcement Officer Standards and Education by no later than March 1 of each year for the preceding calendar year.

VIII. PRIOR ORDERS:

From and after the effective date of this order, it shall be in full force and effect and shall govern the operations of this department with regard to its subject matter. Former orders, policies, directives and memoranda relating to the subject matter are hereby specifically revoked and they shall be of no force and effect from and after the date of issuance of this order.

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Approved: *M. Shackleford*

M. Shackleford

Adopted: 10.01.2013

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