

# Double Oak Police Department

## Racial Profiling

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### *Section 1 Policy*

Racial or biased based profiling by department personnel can undermine legitimate law enforcement efforts. Bias based profiling is the selection of individuals based solely on a common trait of a group. It can alienate citizens and create mistrust of the department. Double Oak Police Department employees are required to base their actions on procedures that assure the public that the department is providing services and enforcing laws in a fair and equitable manner. It is the policy of this Department that officers shall not engage in bias based profiling or racial profiling in traffic contacts, field contacts, asset seizure and forfeiture, arrests or any other law enforcement effort.

### *Section 2 Prohibitions*

- A. Sworn and non-sworn personnel shall not engage in bias based profiling or racial profiling in traffic contacts, field contacts, asset seizure and forfeiture, arrests or any other law enforcement effort.
- B. Sworn and non-sworn personnel shall not engage in any form of bias based or racial profiling behavior when providing any non-law enforcement related services to the public.

### *Section 3 Definitions*

- A. **Bias Based Profiling** is the selection of individuals based solely on a common trait of a group. This includes but is not limited to race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group trait. Racial profiling is included within the meaning of bias based profiling.
- B. **Racial Profiling**, as defined by Texas Law, is 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. Race or ethnicity includes Caucasians, Africans, Hispanics, Asians, and Native Americans.
  - 1. Examples of racial profiling include, but are not limited to the following:
    - a. Citing a driver who is speeding in a stream of traffic where most other drivers are speeding *because* of the cited driver's race, ethnicity or national origin.

- b. Detaining the driver of a vehicle based on the determination that a person of that race, ethnicity or national origin is unlikely to own or possesses that specific make or model of vehicle.
  - c. Detaining an individual based upon the determination that a person of that race, ethnicity or national origin does not belong in a specific part of town or a specific place.
- C. Law Enforcement Agency, under Texas law, is a law enforcement agency that employs peace officers who make traffic stops in the routine performance of their official duties.
- D. Pedestrian Stop is any interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation and in which the individual is not under arrest.
- E. Traffic Stop is any stop of a motor vehicle for an alleged violation of a law or ordinance regulating traffic.

#### ***Section 4      Procedures***

- A. Reporting Requirements
  - 1. Traffic Stops
    - a. Article 2.132 of the Texas Code of Criminal Procedure requires certain information to be recorded for each traffic stop. The information includes:
      - 1) The race or ethnicity of the individual detained and;
      - 2) Whether a search was conducted and, if conducted, whether the person detained consented to the search.
      - 3) If the officer knew the race of the person prior to detention.
    - b. The required fields for this information have been included on all citation. Officers shall enter daily citation data by the end of each shift.
  - 2. Traffic and Pedestrian Stops
    - a. Article 2.133 of the Texas Code of Criminal Procedure requires the following information to be recorded each time a peace officer stops a motor vehicle for an alleged violation of the law or ordinance regulating traffic:
      - 1) A physical description of each person detained to include the person's gender, and race or ethnicity as stated by the person or as observed by the officer to the best of the officer's ability;

- 2) The traffic law or ordinance alleged to have been violated or the suspected offense;
- 3) If a search is conducted, and, if so, whether the person detained consented to the search;
- 4) Whether any contraband was discovered in the course of the search and the type of contraband;
- 5) A statement of the facts supporting the existence of probable cause;
- 6) Whether an arrest was made, including the offense charged;
- 7) The street address or approximate location of the stop;
- 8) Whether a citation or warning was issued and a description of the warning or a statement of the violation charged.

3. Video And/ Or Audio Recording Devices

Officers are exempt from the reporting requirements of article 2.133 of the Texas Code of Criminal Procedure provided that each traffic stop is recorded by mobile video and audio equipment. This requirement only applies to those vehicles routinely used to make traffic stops.

- 1) In the event the mobile video or audio equipment is not functioning or is not useable for some other reason, the officer shall complete a written warning or citation that includes all racial profiling required information.
- 2) The written warning or citation shall be entered into the Records Management System by the end of the shift.

## ***Section 5 Responsibilities***

**A.** Peace Officers shall:

1. Ensure that all mobile video or audio recording equipment is functioning properly at the beginning of the shift and report any malfunctions immediately for repair.
2. Ensure that a written warning or citation is filled out completely on every traffic stop.
3. Take no action to disable any portion of the mobile video or audio recording equipment.

**B.** The Police Department shall:

1. Perform an annual comparative analysis of the data collected for traffic stops.
2. Submit the annual analysis report to the Chief of Police by February 15th each year to be presented to the Town Council during March.
3. These reports shall not include any identifying information about a peace officer or person stopped or arrested by an officer.
4. Compile and report racial profiling information in accordance with the guidelines developed by the Texas commission on Law Enforcement Standards and Education.

**C.** Patrol Lieutenant / Patrol Sergeant:

1. Randomly review in-car video for assigned officers.
2. Conduct consistent, regular supervisory oversight to ensure officers are reasonable in their actions with the requirements of this and other directives.
3. Ensure that all mobile video files are kept for at least 90 days, provided however, that if a complaint is filed, the mobile video file of the stop must be retained until final disposition of the complaint.

**D.** Training Coordinator shall:

Provide appropriate training to personnel as determined by the Texas Commission on Law Enforcement Officers Standards and Education (T.C.L.E.O.S.E.) relating to racial profiling. Department training shall include bias based profiling issues and legal aspects, and may exceed the standards determined by T.C.L.E.O.S.E.

**E.** Internal Affairs Personnel:

Complaints of racial or bias profiling are to be filed with Internal Affairs if an individual believes that any Department personnel have engaged in racial or bias profiling with respect to that individual.

1. The Internal Affairs Investigator shall be responsible for investigating all complaints of racial profiling.
2. The Chief of Police may assign another officer if the Internal Affairs Investigator is unavailable or if the Chief otherwise determines it is appropriate.
3. If the complaint involves a stop in which a mobile video or audio recording was made, a copy shall be made for the officer who is the subject of the complaint if the Chief otherwise determines it is

appropriate.

F. Chief of Police shall:

1. Annually submit a racial profiling data report to TCLEOSE and the Town Council.
2. Make available at the front desk the complaint process.

***Section 6      Discipline***

- A. A finding that any sworn employee has engaged in bias based and/or racial profiling shall result in discipline up to and including termination of employment.