

**Judson Independent School District
Police Department
Policy and Procedure Manual**

Bias Based Profiling

I. POLICY

The purpose of the policy is to reaffirm the Judson Independent School District Police Department's commitment to unbiased policing in all its encounters between officer 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 our officers from unwarranted accusations of misconduct when they act within the dictates of departmental policy and the law.

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 biased based profiling as defined in this policy. This policy shall be applicable to all persons, whether drivers, passengers or pedestrians.

Officers shall conduct themselves in a dignified and respectful manner at all times when dealing with the public. Two of the fundamental rights guaranteed by both the United States and Texas constitutions are equal protection under the law and freedom from unreasonable searches and seizures by government agents. The right of all persons to be treated equally and to be free from unreasonable searches and seizures must be respected. Biased based profiling is an unacceptable law enforcement tactic and will not be condoned.

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.

II. DEFINITIONS

A. Bias Based Profiling: A law enforcement-initiated action based on an individual's race, ethnicity, race, ethnicity, background, gender, sexual orientation, religion, economic status, age, culture, or other personal characteristics, rather than due to the observed behavior of the individual, or on information identifying the individual as having engaged in criminal activity.

Biased based 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, complainants or other citizen contacts.

The prohibition against biased based profiling does not preclude the use of race, ethnicity or national origin as factors in a detention decision when used as part of an actual description of a specific suspect for whom an officer is searching. Detaining an individual and conducting an inquiry into that person's activities simply because of that individual's race, ethnicity or national origin are biased based profiling. Examples of biased based profiling include but are not limited to the following:

1. 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.
2. 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.

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II. DEFINITIONS

- A. Bias Based Profiling: (continued)
 - 3. Detaining an individual based on the determination that a person of that race, ethnicity or national origin does not belong in a specific part of town or specific place.
This Department derives at two principles from the adoption of this definition of biased based profiling:
 - a. Law enforcement officers use race in conjunction with other known factors of the suspect, but may not use biased based or ethnic stereotypes as factors in selecting whom to stop and search.
 - b. Biased based profiling is not relevant as it pertains to witnesses or others providing information concerning an event.
- B. Race or Ethnicity: One who is of a particular decent, including Caucasian, African, Hispanic, Asian, or Native American.
- C. Pedestrian Stop: An interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.
- D. Traffic Stop: A peace officer that stops a motor vehicle for an alleged violation of law or ordinance regulating traffic.

III. TRAINING

Officers are responsible to adhere to all Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) training and the Law Enforcement Management Institute of Texas (LEMIT) requirements as mandated by law.

All officers shall complete a TCLEOSE training and education program on biased based 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, 2001 held a TCLEOSE intermediate proficiency certificate, or who had held a peace officer license issued by TCLEOSE for at least two years, shall complete a TCLEOSE training and education program on biased based profiling not later than September 1, 2003.

The Chief of Police, as part of the initial training and continued education for such appointment, is required to attend the LEMIT program on biased based profiling.

IV. COMPLAINT INVESTIGATION

- A. The Department shall accept complaints from any person who believes he or she has been stopped or searched in violation of this policy. No person shall be discouraged, intimidated or coerced from filing a complaint, nor discriminated against because he or she filed such a complaint.
- B. Any employee who receives an allegation of biased based 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 or direct the individual(s). Any employee contacted shall provide to that person a copy of a complaint form or the department process for filing a complaint. All employees will report any allegation of biased based profiling to their superior before the end of their shift.

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IV. COMPLAINT INVESTIGATION

- C. 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.
- D. If a biased based profiling complaint is sustained against an officer, it will result in appropriate corrective and/or disciplinary action, up to and including termination.
- E. If there is a department video or audio recording of the events upon which a complaint of biased based profiling is based, upon commencement of an investigation by this department in to the complaint and written request of the officer made the subject of the complaint, this department shall promptly provide a copy of the recording to that officer.

V. PUBLIC EDUCATION

This Department will inform the public of its policy against biased based profiling and the complaint process. Methods that may be utilized to inform the public are the 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.

VI. CITATION DATA COLLECTION & REPORTING

- A. An officer is required to collect information relating to traffic stops in which a citation is issued. On the citation officers must include:
 - 1. the violators race or ethnicity;
 - 2. whether a search was conducted;
 - 3. whether the search was consensual; and
 - 4. whether there was an arrest for this cited violation or any other violation.
- B. By March of each year, the Department shall submit a report to their governing board that includes the information gathered by the citations from the preceding year. The report will include:
 - 1. a breakdown of citations by race or ethnicity;
 - 2. numbers of citations that resulted in a search;
 - 3. number of searches that were consensual; and
 - 4. numbers of citations that resulted in custodial arrest for the cited violation or any

VII. COLLECTION and REPORTING INFORMATION GATHERED FROM TRAFFIC and PEDESTRIAN STOPS

- A. An officer who stops a motor vehicle for an alleged violation of law or ordinance regulating traffic, or who stops a pedestrian for any suspected offense, shall record and report the following information:
 - 1. A physical description of each person detained as a result of the stop, including:
 - a. The person's gender;
 - b. The person's race or ethnicity, as stated by the person or as determined by the officer to the best of his/her ability.
 - 2. The street address or approximate location of the stop. The suspected offense or the

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VII. COLLECTION and REPORTING INFORMATION GATHERED FROM TRAFFIC and PEDESTRIAN STOPS

- A. An officer who stops a motor vehicle
 - 2. (continued) –traffic law or ordinance alleged to have been violated.
 - 3. Whether the officer conducted a search as a result of the stop and if so, whether the person detained consented to the search.
 - 4. Whether probable cause to search existed and, if so, the fact(s) supporting the existence of that probable cause.
 - 5. Whether any contraband was discovered in the course of the search and, if so, the type of contraband discovered.
 - 6. Whether the officer made an arrest as a result of the stop and/or search, and, if so, a statement of the offense charged.
 - 7. Whether the officer issued a warning or a citation as a result of the stop and, if so, a statement of the offense charged.

- B. This Department shall compile and analyze the information contained in these individual reports. Not later than March 1 of each year, this Department shall submit a report to our governing body containing the information compiled from the proceeding calendar year in a manner they approve. This report will include:
 - 1. A comparative analysis of the information contained in the individual reports in order to:
 - a. Determine the prevalence of biased based profiling by officers in this department; and
 - b. Examine the disposition of traffic and pedestrian stops made by this department's officers, including searches resulting from stops.
 - 2. Information relating to each complaint filed with this department alleging biased based profiling.

- C. This report will not include identifying information about a peace officer who makes a stop or about an individual who is stopped or arrested by a peace officer.

JISD Police Department

Policy: Law Enforcement Agency Role

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Office of Primary Responsibility: Chief of Police

APPROVED: _____

Teresa A. Gonzales

Chief of Police