

**ROBINSON POLICE DEPARTMENT
POLICIES AND PROCEDURES MANUAL**

Section Title: Biased Based Policing

General Order: 2.2

Date Issued: December 13, 2018

Date Revised:

Effective Date: December 14, 2018

Reference: TBP 2.01

**Approved: _____
Phillip M. Prasifka, Chief of Police**

I. POLICY

It shall be the policy of the Robinson Police Department to police our community in a proactive manner and to aggressively investigate suspected violations of the law. Officers shall actively enforce local, 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 bias-based profiling as defined in this policy. Bias based profiling is an unacceptable patrol tactic and will not be condoned.

This Directive is adopted in compliance with the requirements of Articles 2.131 through 2.136, Texas Code of Criminal Procedure, which prohibits Texas peace officers from engaging in bias-based profiling.

II. PURPOSE

To reaffirm the commitment of the Robinson Police Department to unbiased policing in the encounter with 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.

III. DEFINITIONS

The terms used in General Order 2.2 are defined as follows, unless otherwise indicated:

- A. Bias Based Profiling – The selection of an individual based solely on a trait common to a group for enforcement action. This includes, but not limited to: race, ethnic background, gender, sexual orientation, religion, economic status, cultural group, or any other identifiable group.
- B. Race or Ethnicity – persons of a particular descent
- C. Acts Constituting Bias Based Profiling – acts initiating law enforcement action, such as a traffic stop, a detention, a search, issuance of a citation or warning, 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 possibly engaged in criminal activity, or other lawful reasons for the law enforcement action.
- D. Pedestrian Stop – an interaction between a peace officer and an individual who is being detained for the purposes of a criminal investigation in which the individual is not under arrest.
- E. Traffic Stop – the stopping of a motor vehicle by a peace officer for an alleged violation of law or ordinance regulating traffic.

IV. DELIVERY PROTOCOL

A. PROHIBITION

- 1. Officers of the Robinson Police Department are strictly prohibited from engaging in bias-based profiling in any form. The prohibition against 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 when used as part of a description of a suspect or witness for whom an officer is searching.

B. COMPLAINT PROCESS

1. No person shall be discouraged, intimidated or coerced from filing a complaint or be discriminated against because they have filed a complaint.
2. Any person who believes that a peace officer employed by the Robinson Police Department has engaged in bias based profiling with respect to that person, may file a complaint in accordance with the provisions in G.O. 107 – Administrative Investigations.
3. An employee who is contacted regarding a complaint against an officer shall follow the procedures set forth in G.O. 107 – Administrative Investigations.
 - a) Citizens who appear in person wishing to file a complaint shall be provided with a departmental brochure, “How to File a Compliment or Complaint” and a complaint form. Brochures are maintained in the Robinson Police Department lobby, Robinson City Hall, and on the city website.
4. Any supervisor who becomes aware of an alleged or suspected violation of this Policy shall report the alleged violation in accordance with G.O. 107 – Administrative Investigations.
5. Complaints of racial profiling shall be classified as a Level 1 complaint, and shall be investigated by the Chief of Police or his/her designee.

C. DISCIPLINARY AND CORRECTIVE ACTIONS

1. Any department officer 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 Chief of Police.

D. PUBLIC EDUCATION

1. The Robinson Police Department shall provide education to the public concerning the bias-based profiling complaint process. The primary method of public education shall be through the brochure “How to File a Compliment or Complaint” which are maintained in the lobby of the Robinson Police Department, Robinson City Hall and the city website. The brochure will include the telephone number(s), email address(s), and mailing address of who to contact and where to make the complaint. Other education methods may be utilized to

inform the public, including news media, civic presentations, the Internet and/or public meetings.

E. COLLECTION OF INFORMATION AND ANNUAL REPORT WHEN CITATION ISSUED, WARNING IS GIVEN OR ARREST MADE

1. For each motor vehicle stop made by a police officer for an alleged violation of the law or ordinance, the following information shall be collected:

- a) Gender;
- b) Race or Ethnicity (as stated by the person or as determined by the officer to the best of the officer's ability). The following codes will be used:
 - i. W = White
 - ii. B = Black
 - iii. H = Hispanic or Latino
 - iv. A = Asian or Pacific Islander
 - v. I = Alaska Native or American Indian
- c) Initial reason for the stop:
 - i. Violation of the law;
 - ii. Pre-existing knowledge (i.e., warrant)
 - iii. Moving traffic violation
 - iv. Vehicle traffic violation (equipment, inspection, or registration)
- d) If a search was conducted as a result of the stop;
 - i. If so, did the person detained consent to the search?
- e) Was contraband or other evidence discovered as a result of the search;
- f) Description of the contraband or evidence found:
 - i. Illegal drugs / drug paraphernalia
 - ii. Currency
 - iii. Weapons
 - iv. Alcohol
 - v. Stolen property
 - vi. Other

- g) Reason for Search
 - i. Consent
 - ii. Contraband / Evidence
 - iii. Probable Cause or Reasonable Suspicion
 - iv. Inventory search performed as a result of vehicle impound
 - v. Incident to arrest / Warrant

 - h) Information on Arrests
 - i. Did officer make an arrest as a result of the stop or search;
 - ii. Reason for arrest
 - a. Violation of Penal Code
 - b. Violation of Traffic Law
 - c. Violation of City Ordinance
 - d. Outstanding Warrant
 - i) Street address or approximate location of the stop
 - i. City Street
 - ii. US Highway
 - iii. County Road
 - iv. Private Property or other

 - j) Verbal warning or written ticket/citation or warning as a result of the stop;

 - k) Whether the peace officer used physical force that resulted in bodily injury as defined by section 1.07 in the Penal Code (Means physical pain, illness or any impairment of physical condition) during the stop.
 - i. Location of the stop; and
 - ii. The reason for the stop.
2. The information collected shall be compiled in an annual report covering the period of January 1 through December 31 of each year, and shall be submitted to the governing body of the City of Murphy 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 arrests;
 - e) Public education efforts concerning the racial profiling complaint process; and.

- f) The number of complaints received by the department that officers were racially profiling.
3. 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.
4. Annually, data audits and search analysis will be performed.

F. AUDIO AND VIDEO EQUIPMENT

1. Each motor vehicle regularly used by this department to make traffic stops is equipped with a mobile video camera system capable of recording video and audio.
2. Each officer of the department is equipped with a body worn camera capable of recording video and audio. Reference to policy G.O. 204 - Computer and Electronic Equipment Usage
3. Each traffic stop made by an officer of this department that is capable of being recorded by video and audio shall be recorded. In units equipped with mobile video camera systems, both video and audio recordings shall be required.
4. Supervisors and officers shall ensure that mobile video camera equipment, and/or 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.
5. Supervisors shall have the authority to assign units with malfunctioning or inoperable mobile video equipment when situations dictate.
6. All recordings will be kept in a secure location within the police department to prevent loss or tampering. The location will be designated by the Operations Lieutenant.
7. All recordings must be kept accessible by supervisory staff for review.

G. REVIEW OF VIDEO DOCUMENTATION

1. To ensure the Department meets the standards set forth under the State racial profiling laws, recording reviews shall be conducted. Each video shall be retained for a minimum period of ninety (90) days, unless a complaint is filed alleging that an officer has engaged in racial profiling with respect to a traffic stop. The

Operations Lieutenant shall ensure that all recordings are properly stored and retained in accordance with applicable laws and this Policy.

2. If a complaint is received alleging that an officer has engaged in racial profiling, the tape shall be forwarded to the Chief of Police. The Chief of Police shall retain the recording until final disposition of the complaint has been made.
3. The Patrol Supervisor or their designee shall review a randomly selected sampling of video and audio recordings, made recently by their officers employed by the Department, in order to determine if patterns of racial profiling exist. These reviews shall be conducted weekly and documented on the appropriate form. See Appendix A.
 - a) Written documentation shall include:
 - i. The names of the officers whose contacts were reviewed;
 - ii. The date(s) of the tapes reviewed;
 - iii. The date the actual review was conducted; and
 - iv. The name of the person conducting the review.
 - b) The Operations Lieutenant or their designee shall view at least thirty minutes of video on each officer monthly.
 - c) The recordings that are reviewed may be chosen at random, unless some event requires the review of specific recorded materials.
 - d) The Operations Lieutenant shall forward the required documentation to the Office of the Chief of Police.
 - e) The Office of the Chief of Police shall maintain a file of all video review documentation performed, in compliance with this Policy.
4. In reviewing video recordings, the Operations Lieutenant or her designee, shall seek to determine if the officer(s) reviewed have engaged in a pattern of racial profiling, that includes multiple acts constituting racial profiling for which there is no reasonable, credible explanation based on established police and law enforcement procedures.
 - a) If any material on the recording does not comply with State racial profiling laws or Robinson Police Department Policy, the Operations Lieutenant or their designee shall insure that appropriate corrective action is taken in compliance with Article 2.132. (b-5) of the Texas Code of Criminal Procedure.

H. TRAINING

1. Each peace officer employed by the department shall complete the comprehensive education and training program on racial profiling established by the Texas Commission on Law Enforcement (TCOLE) not later than the second anniversary of the date the officer was licensed, or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier. A person who on September 1, 2001, held a TCOLE intermediate proficiency certificate, or who had held a peace officer license issued by TCOLE for at least two years, shall complete a TCOLE training and education program on racial profiling not later than September 1, 2003.
2. The Chief of Police shall, in completing the training required by Section 96.641, Texas Education Code, complete the program on racial profiling established by the Bill Blackwood Law Enforcement Management Institute of Texas (LEMIT), not later than September 1, 2003.

V. ADMINISTRATIVE REVIEW AND REVISION

- A. Annually, the Chief of Police shall review the Policy, making any revisions, as needed.

VI. CLOSING STATEMENT: Violations of this Policy would serve only as grounds for discipline within the Robinson Police Department.