

# Tom Bean Police Department

## Administrative Directive

<b>Number: 103.004</b>	<b>Effective Date: 01/22/2018</b>
<b>Subject: Bias Based Profiling</b>	<b>Revision Date:</b>
<b>Affected Personnel: All Sworn Personnel</b>	<b>Amends/Supersedes: 3.17</b>
<b>Reference:</b>	

### I. Policy

Profiling, in itself, can be a useful tool to assist law enforcement officers in carrying out their duties. However, the Tom Bean Police Department does not condone the use of any bias based profiling in its law enforcement programs as it may lead to allegations of violations of the constitutional rights of the citizens we serve, undermines the legitimate law enforcement efforts and may lead to claims of civil rights violations. Additionally, bias-based profiling alienates citizens, fosters distrust of law enforcement by the community, invites media scrutiny, legislative action, and judicial intervention. Therefore, the Tom Bean Police Department prohibits the use of bias-based profiling in traffic contacts, field contacts and in asset seizure and forfeiture.

### II. Definitions

Bias-Based Profiling – 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.

### III. Officers Responsibilities

A. It is recognized that traffic stops and interactive patrols are vital law enforcement responsibilities. In addition to deterring motor vehicle violations, they provide law enforcement visibility and deter more serious crimes. Therefore, officers of this Department may stop a motor vehicle upon a reasonable suspicion that the driver or an occupant has committed a motor vehicle violation or other offense. Such steps shall conform to the Department's policy and procedures.

1. This Directive does not preclude an officer from stopping a vehicle to offer assistance such as informing a driver of an item left on the roof or of a substance leaking from the vehicle. Such actions should be reported as a "motorist assist" call.

B. Officers are prohibited from stopping, detaining, searching or arresting anyone because of the person's race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or involvement in any other identifiable group unless they are seeking an individual with one or more of those identified attributes.

1. Officers may stop persons when alerted to look for suspects and repeat offenders that fit a particular description or because of age when investigating a possible curfew violation.

- C. To provide documentation for the Department, officers will issue written warnings for every traffic stop not resulting in an arrest or citation.
- D. Officers shall complete an incident or offense report whenever:
  - 1. There is a search of a vehicle or occupants, except at authorized roadblocks;
  - 2. Any occupant is handcuffed or taken into custody;
  - 3. The driver or any occupant questions whether the stop was made because of profiling.
- E. Whenever a person complains that an officer has engaged in practices prohibited by this directive, the officer will immediately notify a supervisor.

#### IV. Supervisor Responsibilities

- A. Supervisors shall ensure that officers follow the policies and procedures outlined in this Directive.
- B. Supervisors shall review videotapes in accordance with establish protocols, directives and / or procedures.

#### V. Complaints Regarding Allegations of Bias-Based Profiling

- A. A supervisor shall promptly respond to an incident when advised that a person is making a complaint alleging profiling or other improper conduct.
- B. If the issue is not resolved after discussing it with the person, the supervisor shall provide the complainant with a Personnel Complaint Form. The supervisor shall inform the complainant that the form should be completed and either mailed or hand delivered to the Office of the Chief of Police. The supervisor shall stand by if the complainant wishes to fill out the form and turn it in immediately.
- C. Any officer found to be involved in any type of bias-based profiling shall be subject to disciplinary action up to and including separation from employment.

#### VI. Training

- A. Officers of the Tom Bean Police Department shall receive training regarding bias-based profiling related issues.

#### VII. Review of Agency Practices

- A. Annually, an administrative review of agency practices shall be conducted.
  - 1. The review shall include any citizen concerns received during the period covered by the review.

2. Upon conclusion of the review, the results shall be forwarded to the Mayor for dissemination to the City Council and the Texas Commission on Law Enforcement no later than March 1<sup>st</sup> each calendar year.

#### VIII. Public Education

- A. The Public Information Officer will inform the public of the Department's policy against bias-based profiling and the complaint process. The news media, radio, service and civic presentations, and the Internet may be used to make this information available to the public.

#### IX. Vehicle Stop Data Program

- A. Although the Tom Bean Police Department utilizes mobile video and audio recording equipment in the majority of the patrol units, the Department recognizes the value of collecting information on each traffic stop. Therefore, all officers will follow the procedures established by the Vehicle Stop Data Program
- B. Officers conducting vehicle stops will adhere to the following procedures to facilitate the collection of vehicle stop data.
  1. Officers must check out on every vehicle stop.
  2. A call for service will be initiated for every vehicle stop.
  3. All racial profiling fields shall be completed as required by State law. The information documented includes but is not limited to the collection of the following data:
    - a) The race or the ethnicity of the individual detained;
    - b) Whether a search was conducted and if so whether the individual detained consented to the search; and
    - c) Whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual.
  4. This program captures data on traffic stops only. It does not include subject stops or parking violations.