

WHITE SETTLEMENT POLICE DEPARTMENT

GENERAL ORDERS		CHAPTER 2: Professional Standards & Conduct	NUMBER 202.00
		TITLE: RACIAL/BIAS-BASED PROFILING	
		EFFECTIVE DATE: April 11, 2024	REVISION DATE: April 11, 2024
		<input type="checkbox"/> NEW <input checked="" type="checkbox"/> AMENDS	
		ACCREDITATION STANDARD(S): 2.01	
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202.01 PURPOSE

The purpose of this order is to reaffirm White Settlement Police Department’s commitment to unbiased policing in all encounters between officers and members of the public. These policies and procedures serve to ensure public confidence and mutual trust through service provided in a fair and equitable manner.

202.02 POLICY

- A. It is the policy of the White Settlement Police Department to police in a proactive manner and to rigorously enforce local, state, and federal laws in a responsible and professional manner, without regard to race, ethnicity, gender, or any other identifying characteristic.
- B. Engaging in racial/bias-based policing is strictly prohibited. This policy is adopted in compliance with the requirements of existing Texas Racial Profiling laws. *T.B.P. 2.01*
- C. Officers shall actively enforce criminal laws with dignity and respect, without regard to race, ethnicity, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, national origin or any other identifiable group.
- D. It is the policy of this department to ensure full compliance with the non-discrimination requirements of Title VI of the Civil Rights Act of 1964 and related non-discrimination authorities, including those identified in the Federal Motor Carrier Safety Administration’s Title VI Program Assurance.

202.03 DEFINITIONS

- A. Racial/Bias-Based Profiling – A law enforcement-initiated action based on, but not limited to, an individual’s race, ethnicity, national origin, gender, sexual orientation, gender identity, religion, economic status, age, cultural group, or any other identifiable group, rather than on the individual’s behavior or on information identifying the individual’s having engaged in criminal activity. Racial Profiling pertains to persons who are viewed as a suspect or potential suspect of criminal behavior. The term is not relevant as it pertains to witnesses, complainants, persons needing assistance or other contacts.
- B. Race or Ethnicity: For purposes of this policy: Alaskan or American Indian; Asian or Pacific Islander; Black; Latino or Hispanic; Middle Eastern; and White.

- C. An Act Constituting Racial/Bias-Based Profiling: Acts initiating law enforcement action, such as a motor vehicle stop, a subject stop, a search, issuance of a citation, asset forfeiture or an arrest based solely upon an individual’s race, ethnicity, national origin, gender, sexual orientation, gender identity, religion, economic status, age, cultural group, or any other identifiable groups; 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. Subject Stop: An interaction between a peace officer and an individual who is being stopped for the purposes of an investigation, in which the individual is not under arrest.
- E. Motor Vehicle Stop: An occasion in which a peace officer stops a motor vehicle for an alleged violation of a law or ordinance.
- F. Asset Forfeiture or Asset Seizure: A form of confiscation of assets authorized by the state. It typically applies to the alleged proceeds or instruments of crime. This applies, but is not limited, to terrorist activities, drug related crimes, and other criminal and even civil offenses.

202.04 PROHIBITION

- A. Officers are strictly prohibited from engaging in racial/bias-based profiling in driver contacts, field/pedestrian contacts, and in asset seizure and forfeiture efforts.
- B. The prohibition against racial/bias-based profiling does not preclude the use of race, ethnicity, or other factors in a detention decision by a peace officer.
- C. Race, ethnicity, and other factors may be legitimate indicators in such a decision when used as part of a description of a suspect or witness for whom a peace officer is searching.

202.05 TRAINING

- A. Each peace officer employed by the City of White Settlement, including reserve and part-time peace officers shall complete the comprehensive education and training program on racial/bias-based profiling established by the Texas Commission on Law Enforcement (TCOLE), including legal aspects, not later than the second anniversary of the date the officer was licensed, or the date the officer applies for an intermediate proficiency certification, whichever date is earlier.
- B. The Chief of Police shall, in completing the training required by Section 96.641, Texas Education Code, complete the program on racial/bias-based profiling established by the Bill Blackwood Law Enforcement Management Institute of Texas.
- C. Officers shall complete continuing departmental training every two years on Biased Based Policing as part of the Texas Police Chief’s Association Best Practices Recognition Program. *T.B.P. 2.01*

202.06 COMPLAINT INVESTIGATION

- A. Any person who desires to file a complaint allegation on an officer’s behavior regarding possible racial/bias-based profiling shall be referred to the on-duty supervisor.
- B. No person shall be discouraged, intimidated, or coerced from filing a racial/bias-based profiling complaint, or be discriminated or retaliated against due to filing such a complaint.

- C. The Police Department shall accept all complaints regarding possible racial/bias-based profiling behavior, including complaints that violate the non-discrimination requirements of Title VI (Title VI) of the Civil Rights Act of 1964 and related non-discrimination authorities as identified in the Federal Motor Carrier Safety Administration's Title VI Program Assurance.
- D. The Department shall investigate each complaint alleging racial/bias-based profiling by a White Settlement officer. Such complaints shall be in writing or shall be recorded to writing.
- E. The complaint should include the time, place, and details of the profiling behavior, the identity or description of the officer or officers involved, the identity of the complainant and the complainant's contact information.
- F. Any employee who receives a complaint alleging racial profiling behavior shall provide the complainant with information on how to file a written complaint, including a personnel complaint form and notice of public information related to racial/bias-based complaints. The employee shall also record the contact information for appropriate follow-up by the investigating commander. The employee shall then forward the complaint and contact information to the on-duty supervisor.
- G. The on-duty supervisor shall forward the written complaint to the Patrol Commander within 24-hours of receipt.
- H. Receipt of each complaint shall be acknowledged by contacting the complainant in writing. All such complaints shall be reviewed and investigated by a command level supervisor as designated by the Chief of Police. The results of the review and investigation shall be provided to the Chief of Police and the complainant in addition to being submitted to the chain of command in accordance with policy.
- I. The investigating commander shall seek to determine if the officer who is subject of the complaint has engaged in a pattern of racial/bias-based profiling, including multiple acts of profiling behavior for which there is no reasonable, credible explanation based on established police and law enforcement procedures. A single act constituting racial/bias-based profiling may not be considered a pattern of racial/bias-based profiling.
- J. If there is a department video or audio recording of the events, the department shall provide a copy of this recording to the officer, if requested.
- K. When applicable, any findings that merit disciplinary action, training, or changes to policy shall be filed with the Chief of Police.
- L. Corrective Action. Any peace officer who is found, after investigation, to have engaged in racial/bias-based profiling in violation of this policy shall be subject to corrective action. Corrective action may include issuing discipline, mandating training; reprimand; diversity, sensitivity or other appropriate training; counseling; suspension; termination of employment; or taking other appropriate action as determined by the Chief of Police as appropriate.

202.07

PUBLIC EDUCATION

- A. This department shall provide public notice and education to the community related to its policy prohibiting racial profiling and the compliment or complaint process.
- B. The public notice shall both inform the public of the department's racial/bias-based profiling compliment/complaint process and also notify the public that the department is

in full compliance with federal and state non-discrimination requirements, including the Federal Motor Carrier Safety Administrations Title VI Program.

- C. The education material shall include the information required by law so that member of the public may easily compliment an officer or file a complaint with respect to motor vehicle and subject stop activity.
- D. The department shall prepare legislatively required administrative reports to satisfy requirements concerning collection of data related to racial/bias-based policing.
- E. Methods that may be utilized to enhance public education include, but are not limited to:
 - 1. The news media.
 - 2. Service or civic presentations.
 - 3. Departmental website.
 - 4. Notification on the back of citations and warnings.
 - 5. Sandra Bland Act cards when verbal warnings are provided in the field.
 - 6. Handouts and fliers located at the Police Department and City Hall.
- F. The information will include the telephone number, mailing address, and e-mail address to make a compliment or complaint with respect to each citation, written warning, or verbal warning issued.
- G. Information will be made available when appropriate in English and Spanish.

202.08

CITATION DATA COLLECTION & REPORTING

- A. Collection and Reporting Guidelines *T.B.P. 2.01*
 - 1. For each motor vehicle and subject stop not related to a dispatched call for service, the primary officer involved in the stop shall collect information in compliance with the State of Texas Racial Profiling laws and this policy.
 - 2. For each asset forfeiture event, information on the person in control of the property shall be collected in compliance with this policy.
 - 3. The motor vehicle stop information collected shall be compiled into an annual report covering the period January 1 through December 31 of each year, and shall be submitted to the Mayor and City Council no later than March 1 of the following year.
 - 4. The subject stop information collected shall be compiled into an annual report covering the period of January 1 through December 31 of each year, and shall be submitted to the Police Chief no later than March 1 of the following year.
 - 5. The Support Commander, in coordination with the Records Unit, is responsible for ensuring the motor vehicle and subject stop information is reviewed and analyzed on an annual basis, pursuant to this policy. The review shall include a review of the data collected and citizen concerns to determine if the policies and practices regarding motor vehicle or subject stops can be improved.
 - 6. If an outside consultant is utilized, the Support Commander shall ensure that all quarterly audits are completed by providing statistical data to the consultant.
 - 7. The annual reports 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, arrest or asset forfeiture.
- B. Motor Vehicle and Subject Stop Collection, Compilation, and Reporting Requirements
 - 1. Each officer shall make the following report for each motor vehicle stop and for every subject stop to which an officer is not dispatched:

- a. a physical description of the driver involved in a motor vehicle stop and a physical description of each person involved in a subject stop, including gender and race; and whether the officer did or did not know the person's race prior to contact;
 - b. reason for the stop;
 - c. final outcome of the stop – citation, arrest, or warning; resident status;
 - d. if a search was conducted, what type of search;
 - e. if contraband was seized, what type of contraband; and
 - f. if force was used, was there resulting injury to the subject.
2. Motor Vehicle and Subject Stop Procedure
- a. Officers must checkout on every motor vehicle and subject stop, via radio communication with dispatch, unless authorized to mark out via the computer in a vehicle.
 - b. A call for service shall be initiated in CAD for each motor vehicle and subject stop. Initiating the call requires no additional action by the officer. However, the call must be cleared with the appropriate disposition code at the conclusion of the stop.
 - c. Officers must clear the call on the MDC; not through dispatch. Only officers working without a properly operating MDC may clear motor vehicle and subject stops through dispatch over the radio.
 - d. Every motor vehicle or subject stop must be cleared with an appropriate disposition sequence. The clearance code sequence captures data in the following categories of information:
 - Race
 - gender;
 - reason for stop;
 - final outcome;
 - resident status;
 - whether a search was conducted;
 - search type, if applicable;
 - contraband description, if applicable; and
 - use of force.
 - e. For motor vehicle stops, the officer is required to collect the information only on the driver; passenger information is not required.
 - f. For subject stops, the officer must collect the information on each subject stopped. For example, if 3 individuals are questioned on a subject stop, then there should be three calls opened and closed using the clearance code sequence.
 - g. Officers shall use their observations skills, training and experience to identify the characteristics of race and gender. Officers are prohibited from asking subjects to identify their own race and gender.
 - h. The codes shall be provided by the current CAD configuration software.
 - i. If a motor vehicle or subject stop is opened in error, the officer shall close the call with a "CANCEL CALL". The officer is not authorized to change a traffic stop/subject stop to another call type. The officer is not authorized to change any other call type to a traffic stop/subject stop.
 - j. The appropriate disposition code must be entered into the CAD clearance tab. Officers working without an MDC shall notify dispatch of the disposition by radio

- in the exact sequence as required or complete the Sandra Bland Act collection form. This form shall then be forwarded to Records for proper entry.
- k. It is important that the clearance of the call be recorded separately from any other police activity:
 - i. If the motor vehicle or subject stop results in any additional police action (such as an arrest), an additional separate call must be initiated and cleared independent of the motor vehicle or subject stop call.
 - ii. Whenever a second call is initiated, the officer must connect the two incidents by either listing the motor vehicle or subject stop call number in the comment area of the second call, or asking dispatch to cross-reference the calls.
 - iii. The officer should clear the motor vehicle or subject stop call as soon as reasonably possible in order for all new information to be connected to the correct new call.
 - l. Special Circumstances
 - i. Notifications from alerts such as license plate readers or broadcast communications (TCIC/NCIC) that result in a traffic stop or subject stop will comply with this policy and proper data collection will occur.
 - ii. A vehicle overtaking or pursuit in which the vehicle is not ultimately stopped does not qualify as a “motor vehicle stop” for the purposes of this policy.
 - iii. An officer who attempts to stop a motor vehicle for a traffic violation and the vehicle evades, the traffic stop call sheet should not be used. The officer shall use a call-type that best describes the offense related to the fleeing vehicle. If a traffic stop call sheet is used, the officer may cancel that call and open the correct call as described above.
 - iv. An officer stopping a suspect vehicle or individual related to an open (dispatched) call shall carry that stop as part of the open call, and not as a motor vehicle or subject stop.
 - v. An officer who stops a subject who is a witness or is related to an offense shall open a call based on that offense and this policy shall not apply.
 3. Annual Report in Compliance with State Law
 - a. The annual report shall include a comparative analysis of the information compiled by each officer to:
 - i. evaluate and compare the number of motor vehicle stops of drivers who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities;
 - ii. examine the disposition of motor vehicle stops; and
 - iii. evaluate and compare the number of searches resulting from motor vehicle stops and whether contraband or other evidence was discovered in the course of those searches.
 - b. The annual report shall include information relating to each complaint filed with the City alleging that a peace officer employed by the City had engaged in racial/bias-based profiling.
 4. Subject Stop Annual Report
 - a. The subject stop annual report shall include a comparative analysis of the information compiled by each officer.
 - b. The purpose of the subject stop analysis is identical to the purpose of motor vehicle stop analysis.

C. Asset Forfeiture

1. The Support Services Commander shall evaluate the asset forfeitures on an annual basis and determine if the department's practices are unfairly targeting persons who are recognized as racial or ethnic minorities.
2. The Support Services Commander shall submit an annual administrative review of the department's practices, including citizen concerns, by March 1 of the following year.

202.09

USE OF VIDEO / AUDIO RECORDING EQUIPMENT

- A. The Department shall retain the video and/or audio documentation of each motor vehicle stop for at least 90 days after the date of the stop.
- B. If a complaint is filed with the Department alleging that a peace officer has engaged in racial profiling with respect to a motor vehicle stop, the Department shall retain the video and/or audio record of the stop until final disposition of the complaint.
- C. Supervisors, on a quarterly basis, will review an entire contact of at least two random recordings for all officers under their command to ensure proper usage of recording equipment and adherence to established policy and procedures. *T.B.P. 2.01*
 1. The review will be documented on a video review log. The following information will be captured on the log:
 - a. Date/Time the review conducted.
 - b. Supervisor conducting the review.
 - c. Officer being reviewed.
 - d. Date/Time of the motor vehicle stop(s) being reviewed.
 - e. Number of motor vehicle stops reviewed.
 - f. Findings related to the review.
 2. Minor infractions discovered during the review will be addressed by the supervisor, including retraining when appropriate. Major infractions will be referred to internal affairs. Disciplinary actions will be addressed in accordance with department policy.
 3. Completed logs will be forwarded to the Patrol Commander, who shall maintain a Log Book of all audits conducted for archiving.

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