



CEDAR PARK POLICE DEPARTMENT
GENERAL ORDER

Biased Policing

NUMBER: 2.01.01

EFFECTIVE: 11-24-2015

APPROVED: *[Signature]*
Chief of Police

I. POLICY

It is the policy of this Department to police in a proactive manner, to investigate suspicious persons and circumstances, and to actively enforce the law.

It is the policy of this Department that authorized personnel shall actively enforce local, state, and federal laws in a responsible and professional manner, without regard to race, ethnicity, national origin, religion, age, gender, gender identity/expression, sexual orientation, immigration status, disability, housing status, occupation, cultural group, language fluency, or any other identifiable group.

The Cedar Park Police Department strictly prohibits and will not tolerate the use of biased policing in traffic contacts, field contacts, asset seizures, forfeiture efforts, or other applications of police authority.

Authorized members must have reasonable suspicion, supported by specific articulable facts, that the person contacted regarding their identification, activity, or location has, is, or is about to commit a violation of the law, or presently constitutes a threat to the safety of themselves or others.

Members shall not utilize biased policing as a basis for the seizure of persons or assets.

II. DISCUSSION

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 policing is an unacceptable tactic and will not be tolerated. Biased policing undermines legitimate law enforcement efforts, alienates a significant percentage of the population, and may foster distrust of law enforcement in the community.

This policy is not intended to 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 through legitimate law enforcement sources.

III. PURPOSE

The purpose of the policy is to reaffirm the Cedar Park Police Department's commitment to unbiased policing in all encounters between members of the Department and any individual; 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 members from unwarranted accusations of misconduct when they act within the dictates of Departmental policy and the law.

IV. DEFINITIONS

Biased Policing – The application of police authority based, in whole or in part, on an individual's race, ethnicity, national origin, religion, age, gender, gender identity/expression, sexual orientation, immigration status, disability, housing status, occupation, cultural group, language fluency, or any other identifiable group, without actionable intelligence to support consideration of that trait. Commonly referred to as "racial profiling" and "biased based profiling."

Race or Ethnicity – Relating to the categories used to record the race or ethnicity of persons stopped for or convicted of traffic offenses. Includes the following categories:

- (A) Alaska Native or American Indian;
- (B) Asian or Pacific Islander;
- (C) Black;
- (D) White; and
- (E) Hispanic or Latino.

V. PROCEDURE

TRAINING

- This Department and all Officers are required to adhere to all Texas Commission on Law Enforcement (TCOLE) training and the Law Enforcement Management Institute of Texas (LEMIT) requirements as mandated by law.
- As part of this Department's commitment to unbiased policing,
 - initial training prior to assignment will be provided to all personnel,
 - a documented review of policy will occur for all personnel a minimum of annually, and
 - annual training appropriate to their role will be provided to members of the Department on bias neutralization, implicit bias, case studies and/or other relevant topics.

COMPLAINT INVESTIGATION

The Cedar Park Police Department accepts complaints from any person who believes biased policing has occurred. No person shall be discouraged, intimidated, or coerced from filing a complaint, nor discriminated against because they filed such a complaint.

All complaints received shall be processed in compliance with [GO 2.04.01 Complaints and Internal Investigations](#). Employees shall report any allegation of biased policing to their supervisor before the end of their shift.

If a biased profiling or policing complaint is sustained against an officer, it will result in appropriate corrective and/or disciplinary action, up to and including indefinite suspension.

PUBLIC EDUCATION

This Department will inform the public of its policy against biased policing and the complaint process. Methods that may be utilized to inform the public include, but are not limited to, the citations and warnings provided to citizens, city website, social media, news media, radio, service or civic presentations, and governing board meetings.

DATA COLLECTION & REPORTING

All officers are required to collect information relating to all traffic stops. The officer shall complete all the necessary information electronically (ticket writer) and sync the device prior to ending their shift. If the electronic ticket fails or is not available, officers may use a Department approved paper version of the electronic form and turn in a copy prior to the end of their shift. Officers must include:

- Initial reason for the contact;
- Location of the contact;
- The violators gender;
- The violators race, and/or ethnicity as stated by the person or, if the person does not state the person's race or ethnicity, as determined by the officer to the best of the officer's ability;
- Whether the officer knew the race or ethnicity of the individual before detaining that individual;
- The reason for any search, including whether:
 - the person consented to the search;
 - any contraband or other evidence was in plain view;
 - any probable cause or reasonable suspicion existed to perform the search; or
 - the search was performed as a result of towing the vehicle or arresting the individual;
- If contraband was located, and if it resulted in an arrest;
- Whether force was used during the contact that resulted in bodily injury;
- What type of enforcement action was taken (warning or citation); and
- Whether the officer made an arrest as a result of the stop or the search, including whether the arrest was based on a violation of the Penal Code, a violation of a traffic law or ordinance, or an outstanding warrant.

USE OF VIDEO AND AUDIO EQUIPMENT

This Department shall retain the video and audio, or the audio, of each traffic stop for at least ninety (90) days after the date of the stop. If a complaint is filed with this Department alleging that one of our officers has engaged in biased policing with respect to a traffic stop, this Department shall retain the

video and audio, or the audio of the stop until final disposition of the complaint. Review of body camera footage will be allowed by the officer in compliance with [GO 1.14.01 Recording Systems](#).

Supervisors shall ensure officers of this Department are recording their traffic and pedestrian stops. Recordings shall be reviewed regularly in compliance with [GO 1.14.01 Recording Systems](#).

VI. REPORTING REQUIREMENTS

By March 1 of each year, the Department shall submit a report to TCOLE and the Cedar Park City Council that includes the required information gathered from the preceding calendar year. The report shall include all items as required by TCOLE and state law.

In addition, a review of agency practices regarding biased based reporting will be completed annually. This should be submitted in report form to the Chief of Police and include the following:

1. The annual bias-based profiling report from the preceding calendar year to include traffic and field contacts, arrests, and asset forfeiture efforts.
2. A review of relevant general orders to ensure continued compliance and adherence.
3. Any citizen concerns received through the previous year.
4. Any corrective or disciplinary action taken related to biased policing.
5. Review of the supervisor's quarterly reviews of video.
6. Review of the in-car and body-worn camera program.