
ADMINISTRATIVE DIRECTIVE – 112.032
PROFESSIONAL POLICE CONTACTS

EFFECTIVE DATE: August 31, 2001
AFFECTS: Sworn Personnel

REVISION DATE: August 11, 2020

I. PURPOSE

The purpose of this administrative directive is to unequivocally state that racial or bias-based profiling in the Plano Police Department is totally unacceptable. This directive also provides guidelines for officers to prevent such occurrences, and to protect our officers when they act within the law and from unwarranted accusations. This directive strictly prohibits the use of racial or bias based profiling by employees of the Plano Police Department.

II. POLICY

It is the policy of this department to patrol in a proactive manner, to aggressively investigate suspicious persons and circumstances, and to actively enforce the statutes, laws, and ordinances while insisting that individuals will only be stopped or detained when there exists reasonable suspicion to believe they have committed, are committing, or are about to commit, an infraction of the law. Employees of the Plano Police Department are prohibited from engaging in practices of racial or bias-based profiling. Any employee found, after thorough investigation and review, to have engaged in racial or bias-based profiling shall be subject to disciplinary action, which may include indefinite suspension. In accordance with Administrative Directive 108.003, any person or persons alleging racial or bias-based profiling may file a complaint against any employee(s) of the department. For purposes of this directive, an employee refers to both non-sworn and sworn employees of the Plano Police Department unless otherwise stated.

III. DEFINITIONS

- A. Bias-based Profiling – The detention, interdiction, search or seizure of any person based upon the person's age, gender, sexual orientation, race, color, creed, ethnicity, national origin, or similar personal characteristic.
- B. Racial Profiling – A law enforcement-initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity.
 - 1. Examples of racial profiling include but are not limited to the following:
 - a. Detaining a driver who is speeding in a stream of traffic, where most other drivers are speeding, because of the driver's race, ethnicity, or national origin.
 - b. 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 possess that specific make or model of vehicle.
 - c. 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 a specific place.
- C. Race or Ethnicity – Means of a particular descent, including Caucasian, African, Hispanic, Asian, Native American or Middle Eastern descent.
- D. Motor Vehicle Stop – An occasion in which a peace officer stops a motor vehicle for an alleged violation of a law or ordinance.
- E. Reasonable Suspicion – Also known as articulable suspicion. Specific, articulable facts and circumstances, and reasonable inferences from those facts and circumstances, that would lead a person of reasonable prudence to believe that some type of criminal activity is afoot, and the person(s) detained are somehow involved.
- F. Detention – Any restriction upon a person's liberty imposed by a peace officer.

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- G. Seizure – any taking of property from an individual without the individual's consent or any restriction of an individual's liberty without the individual's consent. A detention will be considered a seizure, as will an arrest.

IV. PROCEDURES

A. Training

1. Officers will receive initial and annual training in proactive enforcement tactics, including training in officer safety, courtesy, cultural diversity, the laws governing search and seizure, racial profiling, and interpersonal communication skills. Training will also cover bias based profiling issues including legal aspects.
2. Training programs will emphasize the need to respect the rights of all persons to be free from unreasonable government intrusion or police action.
3. The Professional Standards Unit shall make available to the public information describing the process by which a complaint may be filed. The information will be readily accessible to the public in the police department lobby and other City facilities open to the public, including but not limited to the Municipal Center and public libraries.

B. Stops / Detentions

1. Individuals shall only be subjected to stops, seizures or detentions based upon reasonable suspicion that they have committed, are committing, or are about to commit an infraction.
2. In the absence of a specific, credible report containing a physical description, a person's gender, gender identity, sexual orientation, race, color, creed, ethnicity, national origin, age, disability status, or similar personal characteristic or any combination of these shall not be a factor in determining probable cause for an arrest or reasonable suspicion for a stop.

C. Oversight

1. Enforcement of statutes, laws, and ordinances will be accompanied by consistent, ongoing supervisory oversight to ensure that officers do not go beyond the parameters of reasonableness in conducting such activities.
2. Supervisors shall randomly review the Mobile Digital Video Recording (MDVR) recordings of each of their subordinates.
3. The supervisor shall determine compliance with this and other applicable directives.
4. The supervisor shall discuss their assessment with the respective employee.
5. The supervisor shall report their assessment each calendar quarter, via chain of command, to the Division Commander. The reports shall be uniformly structured and contain:
 - a. The name of the employee under review
 - b. The date and time stamp of each contact reviewed
 - c. A written assessment of each contact reviewed, which shall include:
 - (1) The race/ethnicity of the person detained
 - (2) Whether a search was conducted
 - (3) If a search was conducted, whether consent was provided by the person
 - (4) The quality of the video recording
 - (5) The quality of the audio recording

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(6) Whether employee actions were in accordance with department policy and procedures

(7) A summary of the feedback provided to the employee

d. The Division Commander shall review the supervisor's reports.

D. Seven Point Violator Contact

1. Absent some articulable reason for deviation, officers shall utilize the following seven-step action, in the order specified, when conducting motor vehicle stops.

a. Greeting and identifying the police officer and the Police Department. The greeting is accomplished in the most natural way for the officer. The officer will introduce their self as Officer Doe with the Plano Police Department. This is a courtesy we owe every person stopped. The objectives in the greeting are to employ business courtesy, to help make the person feel at ease, and to establish a common ground free of superiority or deference.

b. Example: "Hello. I'm Officer Doe, with the Plano Police Department."

c. Stating the reason for the stop. This will be done upon initial contact as a basic courtesy. The officer should ascertain whether extenuating circumstances might morally justify the infraction to a normal, prudent person. This offers the individual stopped an opportunity to justify their actions if a reason exists and, if none, places them in the position of admitting the violation. Listen politely and allow the person ample opportunity to explain their perspective. However, with the above exception, one should refrain from asking questions concerning the person's knowledge of the violation committed. Remarks made by the officer should be in the form of a statement rather than a question. Example: "The reason your vehicle was stopped was for speeding, 55 in a 40 mph zone. Do you have an emergency?"

d. Identifying the individual detained and checking their condition as well as the vehicle. The officer should identify every individual stopped by requesting their driver license. If the person has no license, the officer should ask for other forms of identification, preferably one that carries the person's description. The officer should not accept an identification document if offered in a wallet, case or purse – ask the person to remove the document and accept that only. The officer, after identifying the person, should call him by name for the remainder of the interview.

e. State the action being taken. The officer should make a clear statement, in a firm but calm manner that will leave no doubt as to the action being taken. For example, "You are receiving a citation for the offense of speeding. Officers should refrain from using the word "I" during the interview. Place emphasis on the person and the violation committed by using the word "you". This technique keeps the person from shifting blame onto the officer. Officers have the option of informing the person of the action being taken during the first or second contact.

f. Taking the action. Issue the citation, take the person into custody, or call their attention to the seriousness of the violation and possible consequences (warning).

g. Explaining what the person is to do. Explain to the person exactly what action he must take. That is, he is to sign the citation and contact the court within a certain time frame, or, he is under arrest and will be required to post a cash bond, etc. In some cases a short explanation helps to dispel much of the uncertainty in the mind of the person detained. Make the explanation clear and be sure that the person understands. Example: "You will need to contact the Municipal Court within fifteen (15) days to arrange

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for a court date and/or pay the fine. This information is on the back of your copy.”

- h. Leaving. Closing the contact with the person is awkward for many officers. It is an opportunity to create feelings of friendliness if the proper technique is used. An expression of helpfulness and service is desired. The leave-taking should be as firm and impersonal as the approach. A “take care” or “drive carefully” spoken in a sincere, yet business-like tone is sufficient. Do not use the trite expression, “have a nice day” or “good afternoon”, which would be inappropriate in these circumstances. When the contact with the person has been broken, make sure the driver is able to merge safely back into the traffic stream.

E. Enforcement Action

1. Appropriate enforcement action should always be completed. A written warning, citation, juvenile notice/warning, or arrest should be made when probable cause exists. Verbal warnings may be issued when appropriate. Field Contact Cards shall be completed when the stop or detention was made based on reasonable suspicion and no other enforcement action will be taken.
2. No person, once cited or warned, shall be detained beyond the point where there exists no reasonable suspicion of further criminal activity, and no person or vehicle shall be searched in the absence of a warrant, a legally recognized exception to the warrant requirement, or the person’s voluntary consent.
3. An officer shall not use a person’s gender, gender identity, sexual orientation, race, color, creed, ethnicity, national origin, age, disability status, or similar personal characteristics or any combination of these factors as a basis to take any law enforcement action against the person.
4. Officers are prohibited from contacting the person’s employer regarding the violation or enforcement action unless the officer receives permission from a lieutenant or above to do so.

F. Mobile Digital Vehicle Recording (MDVR) Equipment

1. Officers shall ensure the MDVR is activated to record both, video and sound before the stop, to document the behavior of the person and the vehicle’s actions, and shall remain activated until the person is released to resume their journey (refer to AD 112.024).
2. Officers are responsible for ensuring the vehicle’s recording equipment is fully operational throughout their tour of duty. Any equipment failures or repairs needed should be immediately reported to the on-duty shift supervisor.
3. Vehicles with non-functioning MDVRs are to be placed out of service and not driven as operational vehicles.
4. Should a MDVR fail during a motor vehicle stop or a stop is not recorded, the officer shall note such on the citation, the juvenile warning/notice, the written warning, arrest report, or Field Information card.
5. MDVR Recordings shall be retained for a period of ninety (90) days, in accordance with Administrative Directive 112.024. However, if a complaint is filed alleging an employee engaged in racial profiling with respect to a motor vehicle or pedestrian stop, the video and audio or audio record of the stop shall be retained until final disposition of the complaint. Upon the commencement of such a complaint, and pursuant to their written request, the officer who is the subject of the complaint shall be provided a copy of the recording.

G. Consent to Search

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1. It is not necessary for a consent search to be supported by reasonable suspicion or probable cause. Voluntary consent to search may be utilized by officers for the search of both persons and property, and may be used at any point during the detention.
 2. The officer should ask for consent to search a vehicle before the person detained is released and the initial detention is completed. However, any further detention or consent to search at this point must be completely voluntary by the driver or owner of the vehicle, or the person being detained.
 3. It is strongly recommended that consent searches only be conducted with consent documented in writing.
- H. City of Plano Equal Rights Ordinance Complaint Process
1. When responding to a complaint regarding a potential violation of Plano's Equal Rights Ordinance, officers shall:
 - a. Contact a supervisor.
 - b. Document all pertinent information in an information report.
 - c. Inform the alleged victim to submit an Equal Rights Ordinance Violation Complaint Form to the Director of Human Resources within ninety (90) days.
 - d. Direct the alleged victim to the City of Plano website for information on the complaint process and form.
- I. Reporting (Effective January 1, 2018)
1. When completing a citation, a written warning, a juvenile notice/warning, an adult or juvenile arrest report or a field information card, officers shall report the following information:
 - a. The street address or approximate location of the stop;
 - b. The initial reason for the stop;
 - c. The person's gender;
 - d. The race and ethnicity of the individual detained as listed on their government issued identification, if the individual does not have any form of government issued identification, the officer may ask the individual to self-identify or determine the individuals race or ethnicity to the best of their ability.
 - e. Whether the officer knew the race or ethnicity of the individual detained before detaining that individual.
 - f. Whether a search was conducted as a result of the stop, and, if so
 - g. Whether the individual detained consented to the search, or
 - (1) Whether any contraband or other evidence was discovered in the course of the search and a description of the contraband or evidence;
 - h. The reason for the search, including whether:
 - (1) Any contraband or other evidence was in plain view;
 - (2) Any probable cause or reasonable suspicion existed to perform the search; or
 - (3) The search was performed as a result of the towing of the motor vehicle or the arrest of any person in the motor vehicle;

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- i. Whether the officer made an arrest as a result of the stop or the search, including a statement of whether the arrest was based on a violation of the Penal Code, a violation of a traffic law or ordinance, or an outstanding warrant and a statement of the offense charged;
 - j. Whether the officer issued a verbal or written warning or a ticket or citation as a result of the stop, and
 - k. Whether the officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Texas Penal Code, during the stop.
2. The Planning and Research Division Manager will submit a cumulative report to the Office of the Chief of Police concerning citation and arrest data described in section IV.
3. The Planning and Research Division Manager will perform an annual comparative analysis of the data collected in accordance with section IV. in this directive.
 - a. Analysis will be based on a calendar year.
 - b. Summary reports of the analysis must be submitted to the Office of the Chief of Police
 - c. The report must:
 - (1) Evaluate and compare the number of motor vehicle stops, in Plano, of persons who are recognized as racial or ethnic minorities;
 - (2) Examine the disposition of motor vehicle stops, categorized according to the race or ethnicity of affected persons including any searches resulting from stops in Plano;
 - (3) Include contact information relating to each complaint within the department alleging bias or racial profiling and any corrective action taken; and
 - (4) Not include identifying information about an officer or about the person stopped.
4. The Professional Standards Sergeant shall have supervisory oversight of all MDVR recordings.
5. The Office of the Chief of Police shall submit to the Texas Commission on Law Enforcement and to the Office of the City Manager, no later than March 1 of each year an annual report concerning citation and arrest data recorded in the preceding year.