


The Tarrant County College District Police Department

GENERAL ORDER

	SUBJECT	GENERAL ORDER NUMBER
	RACIAL PROFILING	216.00
	SYSTEM STANDARDS	EFFECTIVE DATE March 1, 2018
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	APPROVAL	PAGES
	Shaun Williams, Chief of Police	5

Policy Statement - While it is the standard of the Tarrant County College District Police Department to police in a proactive manner and to aggressively investigate suspected violations of the law, all officers must uphold and respect the United States and Texas Constitution's guarantee of the fundamental right of all persons to be treated equally and to be free from unreasonable searches and seizures by governmental agents. It is therefore the policy of this Department to treat citizens with dignity, courtesy, compassion, fairness, and impartiality. Toward this end, racial and biased based profiling are strictly prohibited in all areas.

Purpose - The purpose of this General Order is to reaffirm the Tarrant County College District Police Department's commitment of unbiased policing in all its encounters between an officer and 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.

216.01 – DEFINITIONS

Race or Ethnicity - Of a particular decent, including White, Black, Hispanic / Latino, Asian / Pacific Islander, Alaska Native / American Indian.

Biased Based Profiling – is defined as a law enforcement- initiated action based solely on a trait common to 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.

Racial Profiling – Is defined as any 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. Racial profiling pertains to persons who are viewed as suspects or potential suspects of criminal behavior. The term is not relevant as it pertains to witnesses, complainants, persons needing assistance, or other citizen contact.

Motor Vehicle Stop - Is the stopping of a motor vehicle by a peace officer for an alleged violation of law or an ordinance regulating traffic.

Bodily Injury - means physical pain, illness, or any impairment of physical condition.

Acts constituting racial profiling - are acts initiating law enforcement action, such as a motor vehicle stop, detention, search, issuance of a citation, or arrest, which is 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. Some examples of racial profiling are:

1. Citing a driver who is speeding in a stream of traffic, where most other drivers are speeding, because of the cited driver's race, ethnicity or national origin.
2. 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.
3. Detaining an individual based upon 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.

216.02 Biased Based Profiling and Racial Profiling Prohibited

- A. In compliance with the requirements of Articles 2.131 – 2.136 of the Texas Code of Criminal Procedure, the Tarrant County College Police Department strictly prohibits officers from engaging in racial profiling or biased based profiling.
- B. Officers must conduct themselves in a dignified, unbiased, and respectful manner at all times when dealing with the public.
- C. 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 shall be respected.
- D. Biased based profiling and racial profiling are unacceptable patrol tactics and will not be tolerated.

216.03 Permitted Conduct

- A. Officers shall conduct themselves in a dignified and respectful manner at all times when dealing with the public.
- B. Officers shall insure that all Federal, State and local laws, and College rules and regulations are enforced without regard to race, ethnicity, or national origin.
- C. Racial profiling pertains to persons who are viewed as suspects or potential suspects of criminal behavior.
 1. Racial profiling is not relevant as it pertains to witnesses, complainants, or other citizen contacts.
 2. Racial profiling does not preclude officers from offering assistance, such as upon observing a substance leaking from a vehicle, a flat tire, or someone who appears to be lost, ill or confused.
- D. Officers are not prohibited from stopping someone suspected of a crime based upon observed action and/or information received about the person.
- E. The prohibition against racial profiling does not preclude the use of race, ethnicity or national origin as factors in a detention decision.

1. Race, ethnicity or national origin may be legitimate factors in a detention decision when used as part of an actual description of a specific suspect for whom an officer is searching.
2. Detaining an individual, and conducting an inquiry into that person's activities simply because of that person's race, ethnicity or national origin is racial profiling.

216.04 – RACIAL PROFILING REQUIREMENTS

- A. Officers must collect information relating to all motor vehicle stops which are initiated due to a suspected violation of a law or ordinance.
- B. In accordance with this requirement, each officer must document:
 1. The initial reason for the stop.
 2. The street address or approximate location of the stop.
 3. A physical description of the person operating the motor vehicle, including:
 - a. The person's gender, and
 - b. The person's race or ethnicity, as stated by the person or as determined by the officer to the best of the officer's ability.
 4. Whether the officer knew the race or ethnicity of the driver prior to detaining the individual.
 5. Whether a search was conducted, and if so:
 - a. Whether the individual consented to the search,
 - b. Whether any contraband or other evidence was discovered,
 - c. A description of any contraband or evidence discovered, and
 - d. The reason for the search, including whether it was based upon:
 - i. Evidence or contraband in plain view,
 - ii. Probable cause,
 - iii. A result of the arrest of any person in the motor vehicle, or
 - iv. Performed as an administrative inventory associated with impounding the motor vehicle.
 6. Whether an arrest was made as a result of the stop or search, including whether the arrest was based on:
 - a. A violation of the Penal Code,
 - b. A violation of a traffic law or ordinance, or
 - c. An outstanding warrant, and
 - d. A statement of the offense charged.
 7. Whether the officer used physical force during the stop that resulted in bodily injury as it is defined within this policy.
- C. By March 1st of each year a report containing the information compiled from each individual report from the preceding calendar year shall be submitted to the governing board, and shall include:
 - a. A comparative analysis of the information compiled in order to:
 - i. Determine the prevalence of racial profiling by peace officers employed by the agency; and
 - ii. Examine the disposition of traffic stops made by officers employed by the agency, including searches resulting from the stops.
 - b. Information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.
 - c. The report shall not include identifying information about a peace officer who makes a stop, or about an individual who is stopped or arrested.

- d. The data collected shall not constitute prima facie evidence of racial profiling.
- D. All officers shall complete the Department approved ***“Field Data Collection”*** form (attached) on any contact that falls within the parameters of this law, and will ensure that it has been filed in the designated place before the end of their shift.
- E. Each month the campus Administrative Assistant shall collect the ***“Field Data Collection”*** form(s) and forward them to the Data Collection personnel (designated by the Chief of Police) no later than the fifteenth (15th) day of the following month.
- F. The Data Collection personnel shall be responsible for review and compilation of the data to reflect both resident and non-resident statistics monthly. A report shall be completed and recorded no later than the thirtieth (30th) day of each month.
- G. All traffic citations, and any video or audio tapes of each traffic stop will be retained for a period of 90 days after the date of the stop; however if a complaint is filed, the citation or audio/video tape shall be retained until final disposition of the complaint.

216.05 – TRAINING

- A. Officers are responsible to adhere to all TCOLE training and the Law Enforcement Management Institute of Texas (LEMIT) requirements as mandated by law.
- B. All officers shall complete all required TCOLE training and education programs on racial profiling not later than the second anniversary of the date the officer is licensed under *Chapter 1701 of the Texas Occupations Code* or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier.
- C. The Chief of Police, as part of the continued education for such appointment, will be required to attend the LEMIT program on racial profiling.

216.06 – PUBLIC EDUCATION

- A. This Department will inform the public of its policy against racial profiling, and the complaint process.
- B. Methods that may be utilized to inform the public are the news media, radio, service or civic presentations, the Internet, public notice boards, as well as governing board meetings.
- C. Information will be made available, as appropriate, in languages other than English.

216.07 – COMPLAINT INVESTIGATION

- A. The Department shall accept complaints from any person who believes they have been stopped or searched based on racial, ethnic or national origin profiling.
- B. No person shall be discouraged, intimidated or coerced from filing a complaint, nor discriminated against because they filed such a complaint.
- C. A Department member who receives an allegation of racial profiling, including the officer who initiated the stop, shall record the person’s name, address and telephone number, and forward the complaint through the appropriate channel, or direct the individual to their senior supervisor.
- D. Personnel will report any allegation of racial profiling to their supervisor before the end of their shift.

- E. Senior supervisors will discuss informal (oral) complaints with complainants; however, while an official internal affairs investigation is not required without a formal (written) complaint, the supervisor may initiate an official supervisory investigation based on the information received.
- F. Complainants desiring an official investigation and response to a complaint must complete an internal affairs complaint form (see *General Order 902.00*).
- G. Investigation of a complaint shall begin promptly upon the receipt of the complaint, and shall be conducted in a thorough and timely manner.
- H. The completed internal affairs report shall be forwarded to the officer's lieutenant and the Chief of Police.
- I. The disposition of all formal complaints will be acknowledged in writing to the complainant.
- J. If a racial profiling complaint is sustained against an officer, it will result in appropriate corrective and/or disciplinary action, up to and including termination (see *General Order 908.00*).
- K. If there is a departmental video or audio recording of the events upon which a complaint of racial profiling is based, upon commencement of an investigation by this Department into the complaint and written request of the officer made the subject of the complaint, this Department shall promptly provide a copy of the recording to that officer.