

General Order: 203
Subject: Racial Profiling
Effective Date: February 1, 2018
Review Date: October 1, 2019
Replaced: Administrative Directive 12.01 of the GHPD Manual
Related Directive(s): GO 203 Racial Profiling AO 433 Discipline
Related Form(s):
Issued by: Vernell Dooley, Deputy Chief of Police



GO 203.01 PURPOSE

- A. This directive:
 1. provides guidance to officers in the area of stops, detentions, and enforcement of laws;
 2. helps ensure that law enforcement is carried out in a proactive manner within the constraints of the United States and Texas constitutions and laws so that all citizens are treated fairly;
 3. offers protection to officers from unwarranted accusations of misconduct when they act within the law and department policies.
- B. The changes in this directive reflect the legislative amendments made by SB 1849 (85st Regular Session, effective September 1, 2017) and are effective accordingly.

GO 203.02 POLICY

- A. It is the policy of the Glenn Heights Police Department to patrol in a proactive manner, to aggressively investigate suspicious persons and circumstances, and to actively enforce motor vehicle laws.
- B. Racial profiling is a not an acceptable tactic and will not be condoned. The department will utilize various management tools to ensure that racial profiling is not practiced.
- C. This policy shall not preclude an officer from stopping a person to offer assistance. In fact, to promote quality customer service, officers are encouraged to offer assistance as it is needed without the fear of reprisal.
- D. This directive relates to bias-based and racial profiling issues and is intended to bring the department into compliance with legislative mandates related to racial / bias-based profiling. Other procedures related to conduct during citizen contacts, taking enforcement action, searches and seizures or persons and property, methods for conducting stops of individuals, are governed by other written directives, and shall be consistent with this

directive. Any conflicts or inconsistencies between this directive and any other directive relating to officer conduct, the stricter standard shall prevail.

- E. Nothing in this directive shall preclude the practice of criminal profiling, which relies on the analysis of multiple factors collectively to predict or to identify criminal activity.

GO 203.03 DEFINITIONS

- A. Mobile recording device: a transmitter-activated device that records video and/or audio onto a medium that is capable of storing and replaying the recording.
- B. Motor Vehicle Stop: an incident when a police officer stops a motor vehicle for an alleged violation of a law or ordinance.
- C. Race or ethnicity: descent of a person, including White, Black, Hispanic or Latino, Asian or Pacific Islander, or Alaska Native or American Indian.
- D. 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.
- E. Reasonable suspicion: a belief by a reasonable and prudent person, based on articulable facts and circumstances, that some type of criminal activity is afoot; or, a belief by a reasonable and prudent peace officer, based on articulable facts and circumstances and the inferences that can be made from those facts and circumstances because of the officer's experience and knowledge, that some type of criminal activity is afoot, and the detainee is somehow involved.

GO 203.04 RACIAL / BIAS-BASED CONDUCT PROHIBITED

- A. Bias-based or racial profiling occurs when the officer initiates a law enforcement action that is based solely on an individual's race, ethnicity, or national origin, sexual orientation, religion, economic status, age, cultural group, or belonging to any other identifiable group, rather than on reasonable suspicion that the person has committed, is committing, or is about to commit some violation of the law.
- B. In the absence of credible information that includes a physical description, a person's gender, race, ethnicity, national original, sexual orientation, religion, economic status, age, cultural group, or belonging to any other identifiable group, shall not by itself be a factor in determining probable cause for an arrest or reasonable suspicion for a stop.
- C. Bias-based and racial profiling are unacceptable investigative tactics and are strictly prohibited. Persons engaging in bias-based or racial profiling are subject to the consequences enumerated in directive AO 433.00 DISCIPLINE.

- D. Nothing in this directive shall preclude the practice of criminal profiling, which relies on the analysis of multiple factors collectively to predict or to identify criminal activity.

GO 203.05 TRAINING

- A. Officers will receive education and training on racial profiling that is consistent with Sections 1701.253 and 1701.402, Texas Occupations Code, and with Section 96.641, Texas Education Code.
- 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. The department will review on a continual basis the need for further training relating to racial / bias-based profiling issues.
- D. The department's primary training officer shall ensure that all training mandated by statute and by this directive have been completed.

GO 203.06 COMPLAINT PROCESS

- A. Any person who believes they have been the recipient of racial / bias-based profiling may file a complaint in person, by mail, electronically, or over the phone. No person will be discouraged or intimidated from filing a complaint for conduct that is prohibited by this directive. Contact information is listed below:

- 1. City of Glenn Heights Police Department Telephone number:

(972) 223-1690

- 2. Mailing and physical address is:

550 East Bear Creek Road

Glenn Heights, Texas 75154

- 3. Complaints may be e-mailed to:

eddie.burns@glennheightstx.gov

or

vernell.dooley@glennheightstx.gov

- B. Complaints of racial profiling will be received and investigated in the manner specified in directive AO 205 ADMINISTRATIVE INVESTIGATIONS, with the following exceptions:
1. Complaints regarding racial profiling are encouraged to be filed immediately.
 2. All complaints of racial profiling will be forwarded directly to the Chief of Police.
- C. An allegation of racial profiling is a serious charge, which could have a devastating impact on the accused officer, regardless of the merits of the allegation. Therefore, complaints of racial profiling will be investigated thoroughly and expeditiously.
- D. On the commencement of an investigation by the department of a complaint alleging racial profiling, the department must furnish the accused officer a copy of any existing videotape or other recording of the stop, upon written request by the officer. (Art. 2.132(f), Texas Code of Criminal Procedure.)
- E. Public Education. The police department shall provide education to the public concerning the racial profiling complaint process. A summary of the public education efforts made during the preceding year shall be included with the annual report filed with the governing body under 203.11 below.
- F. 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, which may include reprimand; diversity, sensitivity or other appropriate training or counseling; paid or unpaid suspension; termination of employment, or other appropriate action as determined by the Police Chief.

GO 203.07 INCIDENT-BASED DATA COLLECTION

- A. Definition. For the purposes of this section, “data” includes written, video, or audio recordings of a citizen contact.
- B. Certain Data Required. Every Glenn Heights Police officer shall make the following report for each stop:
1. Gender
 2. Race or Ethnicity (as stated by the person or determined by the officer to the best of the officer’s ability)
- Race or Ethnicity means the following categories:
- a. White
 - b. Black

- c. Hispanic or Latino
 - d. Asian or Pacific Islander
 - e. Alaska Native or American Indian
3. whether a search was conducted and, if so, whether the individual detained consented to the search;
 4. whether the officer knew the race or ethnicity of the individual detained before detaining that individual;
 5. the initial reason for the stop (categories listed below);
 - a. Violation of the law
 - b. Pre-existing knowledge (i.e. warrant)
 - c. Moving Traffic Violation
 - d. Vehicle Traffic Violation (Equipment, Inspection, or Registration)
 6. whether contraband or other evidence was discovered in the course of the search and a description of the contraband or evidence (categories listed below);
 - a. Illegal drugs/drug paraphernalia
 - b. Currency
 - c. Weapons
 - d. Alcohol
 - e. Stolen Property
 - f. Other
 7. the reason for the search, including whether (categories listed below):
 - a. Consent
 - b. Contraband/Evidence in Plain View
 - c. Probable Cause or Reasonable Suspicion
 - d. Inventory Search performed as a result of towing
 - e. Incident to Arrest/Warrant

8. 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 (options listed);
 - a. Violation of the Penal Code
 - b. Violation of a traffic law
 - c. Violation of City Ordinance
 - d. An outstanding warrant
9. the street address or approximate location of the stop (options listed);
 - a. City Street
 - b. US Highway
 - c. County Road
 - d. Private Property or Other
10. whether the officer issued a verbal or written warning or a ticket or citation as a result of the stop;
11. whether the peace officer used physical force that resulted in bodily injury, as that section is defined by Section 1.07 of the Texas Penal Code (“means physical pain, illness, or any impairment of physical condition) during the stop and;
 - a. The location of the stop; and
 - b. the reason for the stop

GO 203.08 VIDEO/AUDIO RECORDING EQUIPMENT

A. Required Use

1. For the purposes of this section, a “mobile recording device” shall have the meaning assigned in section GO 203.03.
2. An officer operating a police vehicle that is equipped with a mobile recording device will ensure that the entire motor vehicle stop is recorded.
3. The mobile recording device will be operated in accordance with established procedures.

B. Retention

1. If a complaint is filed with the department alleging that a Glenn Heights officer has engaged in racial profiling, any mobile recording of the related motor vehicle stop will be retained until the final disposition of the complaint.

GO 203.09 MOTOR VEHICLE STOP DATA SHEET (INCIDENT-BASED DATA SHEET)

A. Required Use

1. An officer will complete an incident-based data sheet or electronic form on the MobileCite or Badge system for each stop they conduct, regardless of whether the interaction is video or audio recorded.
2. The incident-based data required to be collected by the department shall minimally include the information required to be collected under section GO 203.07.

GO 203.10 REVIEWING OR OVERSIGHT OF INCIDENT-BASED DATA COLLECTION

- A. For the purposes of this section, “data” has the meaning assigned under section GO 203.07.
- B. First-line supervisors will randomly review mobile video and audio recordings of each subordinate and will determine whether the subordinate is complying with the provisions of this and other applicable directives.
- C. On a quarterly basis the supervisor will submit to the Chief of Police a completed “Racial Profiling Assessment Form.” Along with the form, the supervisor will submit recommendations for training, policy revisions, and modifying procedures, as needed.
- D. Both the Chief of Police and the supervisor will identify any need for training, for revising policy, and for modifying procedure.

GO 203.11 REPORTS REQUIRED

- A. The reporting of data must will be submitted by the Chief of Police to the governing body and to Texas Commission on Law Enforcement no later than March 1 of each year. The report will be a comparative analysis of the incident-based data collected under section GO 203.07, in accordance with Art. 2.134, Texas Code of Criminal Procedure.

- B. The purpose and content of the report shall be in accordance with Art. 2.134, Texas Code of Criminal Procedure. The report will include:
1. evaluate and compare the number of stops, within the city's jurisdiction, of persons who are recognized as racial or ethnic minorities; and persons who are not recognized as racial or ethnic minorities;
 2. examine the disposition of stops made by officers employed by the department, categorized according to the race or ethnicity of the affected persons, as appropriate, including any searches resulting from stops within the City's jurisdiction;
 3. evaluate and compare the number of searches resulting from stops within the applicable jurisdiction and whether contraband or other evidence was discovered in the course of those searches (SEARCH ANALYSIS);
 3. include information relating to each complaint filed with the department alleging racial profiling that a peace officer employed by the department has engaged in racial profiling.

GO 203.12 AUDITING REPORTS

- A. The Chief of Police of the department, regardless of whether the chief is elected, employed, or appointed, is responsible for auditing reports to ensure that the race or ethnicity of the person that is stopped is being reported accurately.

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