

**ADDISON POLICE DEPARTMENT
SPECIAL ORDER**

NO.18-04

TO: ALL PERSONNEL

SUBJECT: APD Standard Operating Procedure 167.00 **Biased-Based Policing**

DATE OF ISSUE: February 2, 2018

This order amends a section to the SOP:

167.00 **BIASED-BASED POLICING (TBBP: 2.01.1)**

The purpose of this order is to reaffirm the Town of Addison Police Department's commitment to unbiased policing in all its encounters with 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.

This policy is for internal use only and does not enhance an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this General Order, if proven, can only form the basis of a complaint by this Department and only in a non-judicial, administrative setting.

167.02 Policy

It is the policy of this department to police in a proactive manner and to aggressively investigate suspected violations of the law. Officers shall actively enforce local, state and federal laws in a responsible and professional manner, without regard to race, ethnicity or national origin. Officers are strictly prohibited from engaging in racial profiling as defined in this policy. Racial profiling is an unacceptable police tactic and will not be condoned.

This policy is adopted in compliance with the applicable requirements of the Texas Code of Criminal Procedure, which prohibits Texas peace officers from engaging in racial profiling.

167.03 Definitions

- a. Racial Profiling -a law enforcement-initiated action based on an individual's race, ethnicity, or national origin, rather than on behavior or 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 contacts.

- b. Race or Ethnicity -persons of a particular descent, including White, Black, Hispanic/Latino, Asian/Pacific Islander, Middle Eastern, and Alaska Native/American Indian.

c. Acts Constituting Racial Profiling- acts initiating law enforcement action, such as a traffic stop, a detention, a search, issuance of a citation, or an arrest 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.

d. Motor Vehicle Contact -means an occasion in which a peace officer stops a motor vehicle for an alleged violation of law or ordinance.

167.04 Prohibition

a. Officers of the Addison Police Department are strictly prohibited from engaging in racial profiling. The prohibition against racial profiling does not preclude the use of race, ethnicity or national origin as factors in a detention decision by an officer. Race, ethnicity or national origin may be legitimate factors in such a decision when used as part of a description of a suspect or witness for whom an officer is searching.

b. Officers of the Addison Police Department shall not engage in profiling based solely on gender, sexual orientation, religion, economic status, age, culture, or any other identifiable group.

167.05 Complaint Process

a. No person shall be discouraged, intimidated or coerced from filing a complaint, or be discriminated against because they have filed a complaint.

b. Any person who believes that a peace officer employed by the Addison Police Department has engaged in racial profiling with respect to that person, may file a complaint in accordance with the provisions of the Standard Operating Procedure (Professional Standards).

1. An employee who is contacted regarding a complaint against an officer shall follow the procedures set forth in the Standard Operating Procedure (Professional Standards).

2. Citizens who appear in person wishing to file a complaint may be provided with a departmental brochure, "How to File a Compliment or Complaint." Brochures are maintained in the Addison Police Department lobby, and at Addison Town Hall.

c. Any supervisor who becomes aware of an alleged or suspected violation of this policy shall report the alleged violation in accordance with the Standard Operating Procedure (Professional Standards).

d. All complaints of racial profiling shall be investigated as thoroughly as possible. Final disposition and/or assignment of the investigation will be approved the Chief of Police (or designee). A log of all Racial Profiling Complaints will be maintained by Police Administration.

167.06 Compliment Process

Any person wishing to compliment an officer, is encouraged to do so by calling the main police department phone number, sending an email to the Police Administration email address

listed on the Racial Profiling brochures, or appearing in person at the Addison Police Department.

167.06 Disciplinary and Corrective Actions

Any officer of this Department who is found, after investigation, to have engaged in racial profiling in violation of this policy may be subject to disciplinary action, up to and including termination. Disciplinary or corrective actions may include diversity, sensitivity or other appropriate training or counseling, as determined by the Chief of Police.

167.07 Public Education

a. This Department shall provide education to the public concerning the racial profiling compliment and complaint process. The primary method of public education shall be through a brochure, "How to File a Compliment or Complaint" which are maintained in the lobby of the Addison Police Department, and at the Addison Town Hall. Other education methods may be utilized to inform the public, including news media, civic presentations, the Internet, and/or public meetings.

b. The Department will also include on every written warning, ticket, and citation, the following: "For information on how to file a compliment or complaint related to racial profiling or any other issue, please visit www.addisontexas.net".

167.08 Collection of Information and Annual Report

a. For each motor vehicle contact related to an alleged violation of law or ordinance, for each motor vehicle contact in which a ticket, citation, or warning is issued, and/or for each arrest resulting from a motor vehicle contact, an officer involved in the stop shall collect the following information:

1. Information identifying the race or ethnicity of the person detained. The following codes will be used to identify the individual's race:

- i. White
- ii. Black
- iii. Hispanic or Latino
- iv. Asian or Pacific Islander
- v. Alaska Native or American Indian
- vi. Middle Eastern
- vii. Other

**Officers may not ask the individual to identify their race. If the officer is unable to determine the race or ethnicity of the person contacted, then the race shall be entered as "Other".

2. Whether the officer knew the race or ethnicity of the individual detained before detaining that individual;

3. Initial reason for stop;

- i. Violation of the law (other than Traffic)
- ii. Pre-existing knowledge (i.e. Warrants)

- iii. Moving Traffic Violation
- iv. Vehicle Traffic Violation (equipment, inspection, etc.)

4. If a search was conducted as a result of the stop?
 - i. If so, did the detained person consent to the search?
5. Was contraband or other evidence discovered as a result of the search?
6. Description of contraband or evidence discovered:
 - i. Illegal drugs / drug paraphernalia
 - ii. Currency
 - iii. Weapons
 - iv. Alcohol
 - v. Stolen Property
 - vi. Other
7. Reason for the search:
 - i. Consent
 - ii. Contraband/evidence in plain sight
 - iii. Probable cause or reasonable suspicion
 - iv. Inventory as a result of vehicle towing
 - v. Incident to Arrest/Warrant
8. Information on Arrests:
 - i. Did the officer make an arrest as a result of the stop or search?
 - ii. Reasons for arrest:
 - 1) Violation of Penal Code
 - 2) Violation of Traffic Law
 - 3) Violation of City Ordinance
 - 4) Outstanding Warrant
9. Street Address or Approximate Location of Stop
 - i. City street
 - ii. US Highway
 - iii. County Road
 - iv. Private Property or Other

****Officers shall use the final stop location when collecting this data****

10. Was a verbal/written warning or ticket/citation issued as a result of the stop?
11. Whether the officer used physical force that resulted in bodily injury (as defined by Sec. 1.07, Penal Code, meaning “physical pain, illness, or any impairment of physical condition), during the stop?
 - i. Location of the stop
 - ii. Reason for the stop

b. The information collected shall be entered in to a database by entering Racial Profiling data utilizing the in-car Mobile Data Computer (MDC), electronic ticket-writers, or the

computers available in the Department. All contacts requiring Racial Profiling data collection must be entered. In the event the data is unable to be collected electronically, the data will be recorded on temporary forms and entered in the database at a later date.

c. The Support Operations Division Commander shall ensure all Racial Profiling Data is collected and reported to the Chief of Police. The data collected shall be compiled in an annual report covering the period January 1 through December 31 of each year, and shall be submitted to the governing body of the Town of Addison no later than March 1 of the following year. The report will include:

1. A comparative analysis of the information compiled (under Article 2.133):
 - i. Evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons 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 made by officers employed by the agency, categorized according to the race or ethnicity of the affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction;
 - iii. Evaluate and compare the number of searches resulting from motor vehicle stops within the applicable jurisdiction and whether contraband or other evidence was discovered in the course of those searches (SEARCH ANALYSIS).
2. Information related to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.
3. Public education efforts concerning the racial profiling complaint process.

**Contacts are defined as motor vehicle stops related to an alleged violation of law or ordinance, OR motor vehicle stops that resulted in a ticket, citation, warning or arrest.

d. The annual report 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 or arrest.

e. Racial Profiling Data will also be reported to the Texas Commission on Law Enforcement (TCOLE) by March 1 of each year, following the Commission's prescribed format.

167.09 Audio and Video Equipment

- a. Each motor vehicle regularly used by this department to make motor vehicle contacts shall be equipped with a mobile video camera system capable of recording video and audio.
- b. Every peace officer employed by the Town of Addison will be issued, or have available for use, a body-mounted camera capable of recording video and audio.

- c. Each motor vehicle contact made by an officer of this department capable of being recorded by video and audio, shall be recorded.
- d. Supervisors and Officers shall ensure that mobile video camera equipment, and/or audio equipment, is properly functioning prior to commencing their tour of duty. Police units with malfunctioning or inoperable mobile video camera equipment shall not be utilized under normal circumstances.
- e. Supervisors shall have the authority to assign patrol units with malfunctioning or inoperable mobile video equipment when situations dictate. Officers assigned to such units are required to have a properly functioning body-mounted camera capable of video and audio recording.

167.10 Review of Video and Audio Documentation

- a. Each audio and video recording shall be retained for a minimum period of ninety (90) days, unless a complaint is filed alleging that an officer has engaged in racial profiling with respect to a motor vehicle contact. The Commander of the Field Operations Bureau shall ensure that all audio and recordings are properly stored and retained in accordance with applicable laws and this policy.
- b. If a complaint is received alleging that an officer has engaged in racial profiling, the audio/video recording shall be forwarded to Police Administration, along with the complaint documentation. The Administration shall retain the video until final disposition of the complaint has been made.
- c. Supervisors shall review a randomly selected sampling of five (5) video and audio recordings, made recently by officers under their direct supervision and employed by the Department, in order to determine if patterns of racial profiling exist. These reviews shall be conducted quarterly and documented on the appropriate Quarterly Inspection Form. Written documentation shall include:
 - 1. The names of the officers whose contacts were reviewed;
 - 2. The date(s) of the videos reviewed;
 - 3. The date the actual review was conducted; and
 - 4. The name of the person conducting the review.
- d. The Field Operations Division Commander shall forward the required documentation to Police Administration.
- e. Police Administration shall maintain a file of all video review documentation performed, in compliance with this policy.
- f. In reviewing audio and video recordings, the supervisor shall seek to determine if the officer(s) reviewed have engaged in a pattern of racial profiling, this includes multiple acts constituting racial profiling for which there is no reasonable, credible explanation based on established police and law enforcement procedures.

167.11 Training

- a. Each peace officer employed by the department shall complete the comprehensive education and training program on racial profiling established by the Texas Commission on Law Enforcement (TCOLE) not later than the second anniversary of the date the officer's license was issued or carried by the Addison Police Department.
- b. The Chief of Police, in completing the training required by the Texas Education Code for chief administrators, shall complete the program on racial profiling established by the Bill Blackwood Law Enforcement Management Institute of Texas (LEMIT).