

HARKER HEIGHTS POLICE DEPARTMENT

Policy and Procedures Manual

Section:	II.	Operational Procedures
Category:	C.	Miscellaneous Operations
Distribution:	All Divisions and Sections	
Purpose:	To define the Department's commitment to unbiased policing in all its encounters and to define the appropriate use of mobile video systems.	
Number:	IIC-11	

TITLE: RACIAL PROFILING AND MOBILE VIDEO SYSTEMS

1. POLICY STATEMENT

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 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. This policy shall not preclude officers from offering assistance, such as upon observing a mechanical malfunction or stranded motorist or other like condition. Nor does this policy prohibit stopping someone suspected of a crime based upon observed actions and/or information received about the person. This policy does not lessen the force of other policies of this department including those governing arrest, detention and the obligation of police officers to take lawful enforcement actions. This policy is also provided for the purpose of preventing false complaints against officers.

2. DEFINITIONS

2.1 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. Racial profiling pertains only to persons who are considered as suspects or potential suspects of criminal activities. The term does not apply to witnesses, complainants, or other citizen contacts.

The prohibition against racial profiling does not preclude the use of race, ethnicity or national origin as factors in a detention decision. When used as a part of a physical description of a specific suspect, these factors should be considered and articulated accordingly in the decision. The detention of any individual simply because of these factors is racial profiling. Examples of racial profiling include but are not limited to:

- a) Citing 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 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.

2.2 RACE OR ETHNICITY

Of a particular decent, including Caucasian, African, Hispanic, Asian, or Native American.

2.3 PEDESTRIAN STOP

An interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.

2.4 TRAFFIC STOP

The stopping of a motor vehicle for the alleged violation of a law or ordinance regulating traffic. These stops are under the governance of Policies IIA-5 and IIA-6 of this manual.

2.5 CRIMINAL INVESTIGATION

A fact finding effort by the police of which the ultimate goal is to determine whether or not a crime has been committed and if certain individuals were involved in the commission of a crime. Probable cause as defined in this manual need not exist to constitute a criminal investigation.

3. TRAINING REQUIRED

3.1 RACIAL PROFILING TRAINING

Officers are responsible for their adherence to all TCLEOSE rules regarding required training. All officers shall complete a TCLEOSE approved training program 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 is earlier. A person who was licensed as a peace officer for at least two years or who held an intermediate proficiency certificate on September 1, 2001, shall complete an approved course not later than September 1, 2003. Such training shall be incorporated into the department's field training program for new officers.

3.2 MOBILE VIDEO SYSTEM TRAINING

All officers assigned to a function wherein vehicles equipped with mobile video recording systems (also known as In-Vehicle Videotape – IVVT systems) shall complete a department approved training course in the use of those systems and the application of them in the context of this policy. This training will be incorporated into the department's field training program for new officers and officers employed by the Harker Heights Police Department on September 1, 2001, will complete this training program before February 1, 2002.

4. USE OF MOBILE VIDEO SYSTEMS

4.1 AVAILABILITY OF EQUIPMENT AND USE REQUIRED

Each motor vehicle regularly used by this department to make traffic and pedestrian stops is equipped with a video camera and transmitter-activated equipment. Each traffic and pedestrian stop made by an officer of this department that is capable of being recorded will be recorded using this equipment.

4.2 RETENTION OF TAPED MEDIA

This department shall retain the tapes used during these stops for at least 90 days after the date of the stop. If a complaint is filed with this department alleging racial profiling, the relevant tape(s) shall be retained until the final disposition of the complaint. Although not required by law, the same standard shall apply whenever possible to complaints or issues arising from accusations other than racial profiling.

4.3 SUPERVISORY REVIEW

Supervisors will ensure officers of this department are recording their traffic and pedestrian stops. A random review of each subordinate officer's recorded stops will be performed at least once every 30 days to determine if a pattern of racial profiling exists or if any other policy or law violation has occurred.

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4.4 MALFUNCTIONING MOBILE VIDEO SYSTEMS

In the event that a mobile video system malfunctions or needs repair, that patrol vehicle will be taken off line until the system is repaired. Unless absolutely necessary because of an emergency, that vehicle will not be used for traffic or pedestrian stops until the system is repaired or replaced. The officer who detects it will make a report of any system malfunction to the immediate supervisor. That supervisor will in turn arrange for the downing of the vehicle and communicate with command the need for the repair.

5. DATA COLLECTION, ANALYSIS AND REPORTING

5.1 COLLECTION

An officer is required to collect information relating to traffic stops in which a citation is issued. On the citation, officers must include:

- a) the violator's ethnicity or race, as best determined by the officer,
- b) whether a search was conducted,
- c) if a search was conducted, whether or not it was consensual, and
- d) whether the individual was arrested for the cited violation or any other violation.

5.2 ANALYSIS AND REPORTING

By March 1st of each year, the department shall submit a report to the City Council that includes information gathered by the citations for the previous calendar year. The report will include:

- a) a breakdown of citations by race or ethnicity,
- b) number of citations that resulted in a search,
- c) number of searches that were consensual, and
- d) number of citations that resulted in custodial arrests for the cited violation or any other violation.

6. COMPLAINT INVESTIGATIONS

6.1 PROCEDURES AND CORRECTIVE ACTION

Existing policies on complaint investigation, internal investigation and corruption prevention will be followed in any such cases and if a policy violation is found to have occurred, appropriate corrective action shall be taken.

6.2 ALL COMPLAINTS INVESTIGATED

Any accusation of racial profiling will be investigated regardless of whether the complaint was formally or informally presented. No person shall be discouraged, intimidated or coerced from filing a complaint, nor discriminated against because he or she filed a complaint.

7. PUBLIC EDUCATION

This department will inform the public via the City Website and any other applicable method of this policy against racial profiling and the methods for handling accusations of such. No person shall be denied information regarding the complaint process or the fact that the department has a policy against racial profiling.

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