



Abilene Police Department Operating Procedures

Subject:

Racial Profiling

Issued:

08/01/2020

TBP:

2.01

Number:

D-24

Policy and Purpose (TBP 2.01)

This Racial Profiling Policy is adopted in compliance with the requirements of Articles 2.131 through 2.136, Texas Code of Criminal Procedure, which prohibits Texas peace officers from engaging in racial profiling.

Racial Profiling Definitions

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 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.

Bias Based Profiling – the selection of individuals based solely on a common trait of a group. This includes but it not limited to race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group or any other identifiable group trait.

Race or ethnicity – a particular descent, including Caucasian, African, Hispanic, Asian or Native American descent.

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.

Pedestrian stop – an interaction between a peace officer and an individual who is being detained for the purposes of a criminal investigation in which the individual is not under arrest.

Traffic stop – the stopping of a motor vehicle by a peace officer for an alleged violation of law or ordinance regulating traffic.

Prohibition

Sworn peace officers and non-sworn personnel are strictly prohibited from engaging in bias based profiling or racial profiling in traffic contacts, field contacts, asset seizure and forfeiture, arrests or any other law enforcement effort.

Complaint Process

Any person who believes a peace officer employed by the Department has engaged in racial profiling or bias based profiling, with respect to that person, may file a complaint with the Department and no person shall be discouraged, intimidated or coerced from filing such a complaint or be discriminated against because they have filed such a complaint.



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The Department shall accept and investigate citizen complaints alleging racial profiling or bias based profiling by its peace officers. Such complaints shall be in writing, or the City of Abilene (City) employee, officer or official receiving the complaint should reduce the same to writing, and should include the time, place and details of the incident of alleged racial profiling, the identity or description of the peace officer or officers involved and the identity and manner of contacting the complaint.

Any peace officer, city employee or city official who receives a citizen complaint alleging racial profiling or bias based profiling, shall forward the complaint to the Internal Affairs Unit (IA) as soon as possible after receipt of the complaint. Receipt of each complaint shall be acknowledged to the complainant in writing. All such complaints shall be reviewed and investigated by the appropriate person or unit within a reasonable period of time and the results of the review and investigation shall be filed with the Chief of Police and with the complainant.

In the event a complaint of racial profiling or bias based profiling filed by an individual involves an occurrence recorded on audio or video, the appropriate person or unit shall, upon commencement of the investigation of the complaint and upon written request of the officer, promptly provide a copy of the recording to the peace officer who is the subject of the investigation.

Public Education

The 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 of the City of Abilene.

Corrective Action

Any peace officer who is found, after investigation, to have engaged in racial profiling or bias based profiling in violation of this policy shall be subject to corrective action, which may include reprimand, appropriate training or counseling, suspension, termination of employment or other appropriate action as determined by the Chief of Police.



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Information Collection and Annual Report

A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance shall report to the law enforcement agency that employs the officer information relating to the stop, including:

- A. A physical description of any person operating the motor vehicle who is detained as a result of the stop, including:
 1. The person's gender; and
 2. The person's race or ethnicity, as stated by the person or, if the person does not state the person's race or ethnicity, as determined by the officer to the best of the officer's ability;
- B. The initial reason for the stop;
- C. Whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;
- D. Whether any contraband or other evidence was discovered in the course of the search and a description of the contraband or evidence;
- E. 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;
- F. 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 traffic law or ordinance, or an outstanding warrant and a statement of the offense charged;
- G. The street address or approximate location of the stop;
- H. Whether the officer issued a verbal or written warning or a ticket or citation as a result of the stop; and
- I. Whether the officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code, during the stop.

The information collected shall be compiled in the annual report covering the period of January 01 through December 31 of each year and shall be submitted to the governing body of the City of Abilene no later than March 01 of the following year. The annual report shall not include identifying information about any peace officer involved in a stop or arrest.



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Review of Video and Audio Documentation

Audio and video recordings shall be retained for a minimum of ninety (90) days unless a complaint is filed alleging a peace officer of the Department has engaged in racial profiling. The recording shall be retained until final disposition of the complaint.

In conjunction with preparation of the annual report above, the Chief of Police shall periodically review randomly selected video and audio recordings made recently by peace officers employed by the Department in order to determine if patterns of racial profiling exist.

In reviewing audio and video recordings, the Chief of Police shall seek to determine if the officer who is involved therein has engaged in a pattern of racial profiling that includes multiple acts constituting racial profiling for which there is no reasonable, credible explanation based on established police and law enforcement procedures. A single act constituting racial profiling may not be considered a pattern of racial profiling and shall not be grounds for corrective action.

Peace Officer and Police Chief Training

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 was licensed or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier.

The Chief of Police shall, in completing the training required by Section 96.641, Texas Education Code, complete the program on racial profiling established by the Bill Blackwood Law Enforcement Management Institute of Texas.