

Todd Mission Police Department – General Order regarding Racial Profiling

431.07 Racial Profiling

- A. "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. (Art. 3.05 CCP)
- B. "Race or Ethnicity" means the following categories:
1. Alaska native or American Indian;
 2. Asian or Pacific Islander;
 3. black;
 4. white; and
 5. Hispanic of Latino.
- (Art 2.132(a)(3) Texas Code of Criminal Procedure and Sec. 543.202(a) Texas Transportation Code)
- C. Examples of "Racial Profiling" include, but are not limited to:
1. Initiating a traffic stop on a particular vehicle because of the race, ethnicity, or national origin of the driver or of a passenger in a vehicle.
 2. Stopping or detaining the driver of a vehicle or passenger in a vehicle based on the determination that a person or that race, ethnicity, or national origin is unlikely to own or possess that specific make or model of vehicle.
 3. Stopping or detaining an individual based upon the determination that a person of that race, ethnicity, or national origin is unlikely to be in that place or part of town.
 4. Stopping a driver when looking for a suspect if the only commonality between the suspect and the driver or a passenger is their race, ethnicity, or national origin.
 5. Singling out an individual for enforcement who is part of a group of individuals exhibiting similar behavior (for example, a group of drivers exceeding the speed limit) because of the individual's race, ethnicity, or national origin.
 6. The unlawful seizure and/or forfeiture of a person's assets based on ethnicity or a person's descent.
- D. "Racial Profiling" is strictly prohibited. At no time will a sworn employee rely upon racial profiling in an probable cause or reasonable suspicion determination.
- E. Acceptance and Investigation of "Racial Profiling" Complaints.
1. "Racial Profiling" complaints will be handled in accordance with Texas Government Code, Section 614.021- 614.023.
 2. Procedures for accepting "Racial Profiling" complaints from citizens are described in General Order **505.02** Externally Originated Complaints. Procedures include complaints made by telephone, in writing, and in person.
 3. The Police Department will be responsible for providing public education relating to the process for filing "Racial Profiling" complaints. This includes:
 - a. printed pamphlets available at City Hall and from employees;
 - b. public service announcements in the local newspapers; and
 - c. news/press releases.
 4. An allegation of "Racial Profiling" against any officer will be investigated in the manner described in General Order **507.00** COMPLAINT PROCESSING AND INVESTIGATION. A sustained complaint for "Racial Profiling" will result in corrective action described in General Order **510.00** TYPES OF CORRECTIVE ACTION from summary discipline to discharge.
- F. Data Collection
1. The Court Services of the City of Todd Mission collects data on all traffic stops and provides the information to the Todd Mission Police Department for compilation and analysis, in accordance with Article 2.132 of the Texas Code of Criminal Procedure.
 2. The most recent census data for the City of Todd Mission will be used as the basis for the presumed ethnic composition of the population. Other available data, such as the effect of commuters or other non-residents on the ethnical composition of the population, may be considered.
 3. The information will be reported in a format that may include, but is not limited to the reporting of the data in numerical and/or percentage categories of the race or ethnicity of the individual detained, whether a search was conducted, and if so, whether the person detained consented to the search, if any contraband was found, and if so, what type of contraband was found and if any force was used resulting in injury during any arrest made.
 4. The information collected will be submitted to the governing body of the City of Todd Mission on March 1 of the subsequent years.
 5. It is the intention of the Todd Mission Police Department to fulfill the data collection requirements of Article 2.132 of the Texas Code of Criminal Procedure.
- G. Digital Video Recorders (DVR) and Body Worn Camera Use
1. It is the policy of the Todd Mission Police Department to utilize both in-car DVR cameras and personal worn Body Cameras during any motor vehicle stop that is conducted by its officers.
 - a. G.O. 323.00 governs the policies and use of in-car DVR cameras and provides procedures for supervisors to conduct random reviews of employee videos in accordance with Art. 2.132 CCP.
 - b. G.O. 324.00 governs the policies and use of Body Worn cameras and provides procedures for supervisors to conduct random reviews of employee videos in accordance with Art. 2.132 CCP.
- H. Training
1. All officers will receive formal, documented training in the "Racial Profiling" policy and procedures.
 2. Training will be for all sworn personnel and will include examples of racial profiling.
 3. All current officers will receive refresher training at least once every two years after each State Legislative cycle completes. This section does not prevent additional training being given if needed prior to the two year cycle.
- I. Supervisors have the responsibility of monitoring the activities of subordinates to ensure that "Racial Profiling" is not being practiced. Supervisors will take immediate corrective action if these practices are observed and will document the infraction and action taken accordingly.