

# Burleson Police Department

## Administrative Policy and Procedures

Number: 04-010

Document Title: Biased Based Profiling

Effective Date: 4/2001

Last Revised Date: 09/22/2017

CALEA Standards Referenced: 1.2.9

ISSUING AUTHORITY: *Chief Spill* 9-22-2017

Billy Cordell, Chief of Police

*This Biased Based Profiling policy is adopted in compliance with the requirements of Article 2.131 through 2.1.3.7 of the Code of Criminal Procedures prohibiting Texas Police Officers from engaging in biased based policing. Biased based policing undermines legitimate law enforcement efforts and may lead to claims of civil rights violations. It often alienates citizens and may foster distrust of law enforcement within the community.*

### I. Policy [1.2.9a/c]

Members of the Burleson Police Department will not engage in activities that are discriminatory or practice bias based policing. Personnel will focus on the behavior(s) of the individual and/or specific information before taking police action. Allegations of Biases Based Profiling will be thoroughly investigated and appropriate action will be taken up to termination.

### II. Definitions:

#### A. **Biased Based Profiling:**

A law enforcement initiated action based on an individual(s) race, ethnicity, gender, sexual orientation, religion, economic status, age, or other bias. For purpose of this directive the term “racial profiling” is a part of Biased Based Profiling.

#### B. **Race or Ethnicity:**

Heritage of a particular descent, including White (W), Black (B), Hispanic or Latino (H), Asian or Pacific Islander (A), Alaska Native or Native American (NA),.

#### C. **Seizure:**

Taking of property from an individual without the individual’s consent or any restriction of an individual’s liberty without the individual’s consent. A detention will be considered a seizure, as will an arrest. Seizure also includes any filing of documents with the District Attorney for the purpose of asset forfeiture.

#### D. **Traffic Stop:**

The stopping of a motor vehicle by a peace officer for an alleged violation of law or ordinance regulating traffic.

E. **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.

III. Prohibited action [1.2.9a]

Peace officers of the City of Burleson are strictly prohibited from engaging in biased based profiling. The prohibition against biased based profiling does not preclude the use of race, ethnicity, or national origin as factors in a detention decision by a peace 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 a peace officer is searching.

IV. Complaint Process and Public Education

- A. Any person alleging biased based profiling may file a complaint in accordance with Burleson Police Department Internal Affairs policies. No person shall be discouraged, intimidated, or coerced from filing such a complaint, or be discriminated against because they have filed such a complaint.
- B. Any member of the department who receives a citizen complaint alleging biased based profiling shall forward the complaint to Internal Affairs or their direct supervisor within 12 hours. Receipt and processing of the complaint will be in accordance with departmental policy.
- C. The police department of the City of Burleson shall provide education to the public concerning the biased based profiling complaint process or complaint with respect to each citation, or warning issued by a police officer, including but not limited to the telephone number, mailing address and email address. 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 Burleson.

V. Corrective Action [1.2.9c]

Any peace officer who is found, to have engaged in biased based profiling in violation of this policy shall be subject to corrective action, termination, or other appropriate action as determined by the Chief of Police.

VI. Collection of information and annual report when citation(s) are issued or arrest(s) are made. [1.2.9d]

- A. For each traffic stop in which a citation is issued and for each arrest resulting from such traffic stops, a peace officer involved in the stop shall collect information:

1. Identifying the race or ethnicity of the person detained.
  2. Stating whether the race of the subject was known before the stop.
  3. If a search was conducted
  4. Whether the person detained consented to the search.
  5. Whether the peace officer used physical force that resulted in bodily injury, as the term is defined by Section 1.07, Penal Code ("means physical pain, illness, or any impairment to physical condition), during the stop.
  6. The location of the stop.
  7. The reason for the stop.
- B. In January of each year a consulting firm contracted by the City of Burleson will compile this information in an annual report to the Chief of Police for review. This report covering the period January 1 through December 31 of the previous year, will then be submitted by the Chief of Police to the governing body of the City of Burleson and to the T.C.O.L.E no later than March 1. The annual report shall not include indentifying information about any individual stopped or arrested, and shall not include identifying information about any law enforcement officer involved in a stop or arrest.
- C. The Support Bureau Captain will compile a statistical summary of all bias based complaints which will include the disposition of the case and will be included in the above mentioned report.
- D. Vehicle used by officers to make traffic and pedestrian stops shall be equipped with video camera and transmitter-activated equipment. Motorcycles will be equipped with an audio recording device. Audio and video equipment will be activated each time a violator/suspect contact is made. Malfunctioning equipment will be reported immediately to the shift supervisor. Recordings will be kept a minimum of 90 days unless a complaint is made, in which case such recordings will be kept until final resolution of the complaint.
- E. Supervisors shall periodically conduct quarterly reviews of randomly-selected recordings to determine if patterns of biased based profiling exist and report their results through their chain of command.
- VII. Training [1.2.9b]
- A. The Burleson Police Department Training Coordinator will ensure all officers and employees receive on-going training on laws governing biased based profiling as well as asset seizure and forfeiture as required by T.C.O.L.E.