



Community ISD Police Department

Racial Profiling Statement and Policy

11.302 Policy Statement

It is the policy of the Community ISD Police Department to give equal treatment, under the law, to all people, regardless of race, color, religion, sex, politics, national origin, lifestyle, or similar characteristics. The officers of the Community ISD Police will only stop or detain citizens when reasonable suspicion or probable cause exists to believe they have committed, are committing, or are about to commit a violation of the law, or for other lawful purposes. Officers of the Community ISD Police Department are strictly prohibited from initiating any action that constitutes racial or biased-based profiling.

11.303 Purpose

The purpose of this policy is to give practical meaning to the Department Policy by establishing procedures to ensure that racial profiling, or other biased-based profiling, is not found in the practices of this department.

11.304 Definitions

(a) Race or Ethnicity: Of a particular descent, including Caucasian, African, Hispanic, Asian, Native American, or Middle Eastern.

(b) Bias-based Profiling: The detention, interdiction, search, or seizure of any person based solely upon the person's age, gender, sexual orientation, race, color, creed, ethnicity, national origin, or similar personal characteristics.

(c) 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.

(d) Reasonable Suspicion: Specific facts and circumstances, and reasonable inferences from those facts and circumstances, that would lead a person of reasonable prudence to believe that some type of criminal activity is afoot, and the detainee/s is/are somehow involved.

(e) Motor Vehicle Stop: An occasion in which a peace officer stops a motor vehicle for an alleged violation of a law or ordinance.

(f) Detention: Any restriction upon a person's liberty imposed by a peace officer.

(g) Seizure: Any 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.

(h) Acts Constituting Racial Profiling: Acts initiating law enforcement action, such as a motor vehicle 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 on the individual's behavior.

11.305 Public Information

The department will inform the public of its policy against racial profiling and the process by which a citizen may make a complaint against a department employee.

11.306 Stops/Detentions

In the absence of specific facts that establish, at a minimum, reasonable suspicion to believe that an individual is involved in criminal activity, a person's gender, sexual orientation, race, color, creed, ethnicity, national origin, or similar personal characteristic, or any combination of these, shall not be the sole factor in determining probable cause for an arrest or reasonable suspicion for a motor vehicle stop.

(a) It is not within the policy and procedures of the Community ISD to routinely conduct motor vehicle stops; therefore, the Community ISD will declare an EXEMPT status from the annual reporting requirements.

(b) The aforementioned policy is not intended to prevent or exclude Community ISD Police Department from conducting motor vehicle stops, as such stops may be necessary, in order to maintain a safe and crime free learning environment.

11.307 Data Collection

Officers are required to collect information relating to all motor vehicle stops in which an arrest is made or a citation is issued documenting the following required data:

(a) The race or ethnicity of the individual detained,

- (b) Whether or not a search was conducted,
- (c) Whether or not the search was conducted by consent, or based on probable cause and,
- (d) Whether the officer knew the race or ethnicity of the individual detained before detaining that individual.

11.308 Recording Equipment

Any audio/visual recording devices assigned to an officer, whether attached to a person, attached to any piece of equipment including a vehicle, or standalone device designed to record incidents, actions, or interactions shall be activated prior to the beginning of that incident or exchange (including motor vehicle stops). In the event an officer finds himself/herself involved in an incident or exchange that may result in any type of police activity, the officer should immediately activate any audio/visual recording device intended to record such an incident, interaction, or exchange.

11.309 Retention

Audio/visual recordings of motor vehicle stops will be retained for a period of ninety (90) days. If a complaint is filed alleging racial profiling, the audio/visual recording will be retained until the final disposition of the complaint.

11.310 Complaint Process

- (a) Any individual who believes that a peace officer employed by this department has engaged in racial profiling with respect to the individual, may file a complaint with any supervisor of the department.
- (b) In accordance with Article 2.132(f) of the Code of Criminal Procedure, a member who is the subject of a racial profiling complaint will be provided a copy of the recording of the motor vehicle stop in question, upon written request by the officer.
- (c) The complaint will be received, processed, investigated, and adjudicated in accordance with the Community ISD policy.
- (d) When a citizen lodges a complaint against a member of the Community ISD Police Department, the complaint must be directed to the Superintendent 611 FM 1138 North Nevada, TX 75173. Under Texas law, the complaint must be in writing and signed by the person making the complaint. The Superintendent's duty is to review and thoroughly investigate the complaint. Complaints that are not properly submitted will not be formally investigated.