

Farmersville I.S.D. Police Department Racial Profiling Policy

Date of Adoption: June 1, 2016

Racial Profiling Statement Effective Date: Immediately Pursuant to Senate Bill No. 1074 Distribution: All department personnel

I. Purpose

The purpose of this policy is to reaffirm the Farmersville I.S.D. Police Department's commitment to unbiased policing in all its encounters between officer and any person; to reinforce procedures that serve to ensure public confidence and mutual trust through the provision of services in a fair and equitable fashion; and to protect our officers from unwarranted accusations of misconduct when they act within the dictates of departmental policy and the law.

II. Policy

It is the policy of this department to police in proactive manner and to aggressively investigate suspect violations of law. Officers shall actively enforce state and federal 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 the policy. This policy shall be applicable to all persons, whether drivers, passengers or pedestrians.

Officers shall conduct themselves in a dignified and respectful manner at all times when dealing with the public. Two of the fundamental rights guaranteed by both the United States and Texas constitutions are equal protection under the law and freedom from unreasonable searches and seizures by government agents. The right of all persons to be treated equally and to be free from unreasonable searches and seizures must be respected. Racial profiling is an unacceptable patrol tactic and will not be tolerated.

This policy shall not preclude officers from offering assistance; such as, when observing a substance leaking from a vehicle, seeing a vehicle with a flat tire, or noticing someone who appears to be ill, lost or confused. Policy does not prohibit stopping someone suspected of a crime based upon observed action and/or information received about the person; nor does this policy prohibit stopping someone suspected of violating Farmersville Independent School District's Student Code of Conduct, to act in an administrative/counseling role in helping students and/or parents or to assist campus Principals and faculty in accordance with Farmersville I.S.D. policy and acceptable public school practices.

III. DEFINITIONS

Racial Profiling-This is when 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 based solely on race or ethnicity. The term is not relevant as it pertains to witnesses, complaints 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. Race, ethnicity or national origin may be legitimate factors in a detention decision when used as part of an actual description of a specific suspect for whom an officer is searching. Detaining an individual and conducting an inquiry into that person's activities simply because of that individual's race, ethnicity or national origin is **racial profiling**.

Examples of racial profiling include but are not limited to the following:

1 Citing a driver who is speeding in a stream of traffic when most other drivers are speeding because of the driver's race, ethnicity or national origin.

2 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 possesses that specific make or model of vehicle.

3 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. A law enforcement agency can derive two principles from the adoption of this definition of racial profiling:

(1) Police may not use racial or ethnic stereotypes as factors in selecting whom to stop and search, (but police may use race in conjunction with other factors of the suspect).

(2) Law Enforcement officers may not use racial or ethnic stereotypes as factors in selecting whom to stop and search. Racial profiling is not relevant as it pertains to witnesses, etc.

Race or Ethnicity -Have a particular decent, including Caucasian, African, Hispanic, Asian or Native American.

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.

Traffic Stop -A peace officer that stops a motor vehicle for an alleged violation of the law or ordinance regulating traffic.

IV. TRAINING

All officers shall complete TCOLE training and education 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 date is earlier. A person who on September 1, 2001 held a TCOLE intermediate proficiency certificate, or who held a peace officer

license issued by TCOLE for at least two years, shall complete a TCOLE training and education program on racial profiling not later than September 1, 2003.

V. COMPLAINTS

The complaint procedures adopted by the Farmersville I.S.D. Police Department will follow the guidelines set forth in this section of the Farmersville I.S.D. Policy. Any officers receiving a complaint by a citizen will direct the complaining party to the F.I.S.D. Chief of Police. It is totally appropriate and authorized to provide any citizen with assistance with the complaint procedure for the purpose of filing a complaint without inquiring as to the nature of the complaint. Offers of assistance will be made and provided if the citizen requests such assistance.

VI. DISCIPLINE

Any officer who is found, after an appropriate investigation, to have engaged in racial profiling in violation of this policy shall be subject to discipline which may include counseling, written reprimand, remedial training, suspension or termination as deemed appropriate by the Chief of Police and /or Superintendent.

VII. DATA COLLECTION

In each detention of a pedestrian or traffic violator, or if a citation is issued to a traffic or pedestrian violator or an arrest of same is made, the officer involved will identify the race or ethnicity of the detained/arrested, stating whether a search was conducted, and if a search was conducted, whether the person detained/arrested consented to the search. This information will be collected on a form designated for this purpose or on a form already in use such as a citation.

VIII. REPORTING REQUIREMENTS

By March of each year, the department shall submit a report to the Farmersville Independent School District's Board of Trustees that includes information gathered by the citations. This report will include:

- 1 A break down of citations by race or ethnicity
- 2 Number of citations that resulted in a search
- 3 Number of searches that were consensual
- 4 Number of citations that resulted in custodial arrest for this cited violation or any other violation; and
- 5 Campus in which student attends if applicable

IX. PUBLIC EDUCATION

This department will inform the public of its policy against racial profiling and the complaint process. Method will include posting the policy and complaint process on the district's website and in a clearly visible site in each campus office. The policy will be posted in both English and Spanish.

X. CLOSING STATEMENT

This policy is meant to serve as a guide to the employees of the F.I.S.D. Police Department. It does NOT create a higher standard for civil or criminal purposes. Violations of this policy would serve only as grounds for discipline within the F.I.S.D Police Department and will not form the basis for any criminal or civil action.

COMPLAINT PROCESS

In accordance to F.I.S.D district policy, procedures and complaints against Peace Officer and F.I.S.D. Police Department policy on Racial Profiling is as follows:

Complaint must be in writing and signed by the person making the complaint. The complaint must be submitted to the office of the F.I.S.D. Chief of Police.

A copy of the complaint shall be given to the officer within a reasonable time after it is filed. Farmersville I.S.D. administration offices are located at 501A Hwy 78 N. Farmersville, Texas 75442.