

# **RACIAL PROFILING POLICY**

**(Pursuant to Article 2.133 CCP)**

## **I. PURPOSE**

The purpose of the policy is to reaffirm the China Grove 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 the China Grove Police Department to police in a proactive manner and to aggressively investigate suspected violations of the 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 this 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 condoned.

This policy shall not preclude officers from offering assistance, such as upon observing a substance leaking from a vehicle, a flat tire, or someone who appears to be ill, lost or confused. Nor does this policy prohibit stopping someone suspected of a crime based upon observed actions and/or information received about the person.

The China Grove Police Department will implement a process by which an individual may file a complaint with the China Grove Police Department if the individual believes that a peace officer employed by China Grove Police Department has engaged in racial profiling with respect to the individual;

The China Grove Police Department will provide public education relating to the agency's complaint process;

The China Grove Police Department will require appropriate corrective action to be taken against a peace officer employed by China Grove Police Department who, after an investigation, is shown to have engaged in racial profiling in violation of the China Grove Police Department's policy adopted under this article.

### **III. 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 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 when used as a 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 where most other drivers are speeding because of the cited 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 possess 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 at 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, while police may use race in conjunction with other known 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 – Of a particular decent, including Caucasian, African, Hispanic, Asian, or Native American and Middle Eastern.

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 a law or ordinance regulating traffic.

## **IV. CITATION DATA COLLECTION & REPORTING**


An officer is required to collect information relating to traffic stops in which a citation is issued. On the citation officers must include:

1. the person's description to include race or ethnicity;
2. whether the officer knew the race or ethnicity of an individual detained before detaining the individual;
3. initial reason for the stop;
4. whether a search was conducted and, if so, whether the individual detained consented to the search;
5. reason for the search;
6. whether the officer made an arrest as a result of the stop to include the violation of the Penal Code, traffic law, ordinance or outstanding warrant;
7. the street address or approximate location of the stop; and
8. whether the officer issued a written warning or citation as a result of the stop.

Not later than March 1st of each year, the department shall submit to their governing board served by the agency and to the Commission on Law Enforcement Officer Standards and Education a report that includes the information gathered by the citations from the previous year. The report will include:

1. a breakdown of citations by gender, race or ethnicity;
2. number of citations that resulted in a search;
3. number of searches that were consensual; and

4. number of citations that resulted in custodial arrest for this cited violation or any other violation.
5. whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual.

  
Date 3-26-15  
Ralph Sramek, Chief