

Vidor Independent School District Police Department

Racial Profiling Policy

Effective Date: March 21, 2011

1. PURPOSE

The purpose of this policy is to clearly state that, racial and ethnic profiling; in law enforcement, is unacceptable and strictly prohibited by the Vidor Independent School District Police Department. It is also the purpose of this policy to provide guidelines to prevent such occurrences, to correct violations, and to protect officers when they act within the law and policy from unwarranted accusations.

2. DEFINITIONS

Race or ethnicity: Means a particular descent including African, Asian, Caucasian, Hispanic, Middle Eastern or Native American descent.

Racial profiling: The detention, interdiction or other disparate treatment of any person on the basis of their racial or ethnic status or characteristics. Racial Profiling means a law enforcement-initiated action based upon and individual's race, ethnicity, or national origin rather than on an individual's behavior or on information identifying the individual as having engaged in criminal activity.

Reasonable suspicion: Also known as articulable suspicion. Suspicion that is more than a mere hunch, but is based on a set of articulable facts and circumstances that would warrant a person of reasonable caution in believing that an infraction of the law has been committed, is about to be committed, or is in the process of being committed, by the person or persons under suspicion. This can be based upon the observations of a peace officer combined with his or her training, experience, and/or reliable information received from credible outside sources.

3. POLICY

It is the policy of the Vidor I.S.D. Police Department to provide police services in a proactive manner and to aggressively investigate suspected violations of the law. Officers shall actively enforce local, 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.

Vidor I.S.D. Police officers shall conduct themselves in a dignified and respectful manner at all times when dealing with the public. Racial profiling is an unacceptable patrol tactic and will not be condoned.

This policy does not preclude Vidor I.S.D. Police 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.

4. COMPLAINTS OF RACIAL PROFILING

Any person may file a complaint with this office if they feel they have been stopped, detained, searched or otherwise interfered with based upon race, ethnicity, religion, age, gender, or sexual orientation. No person shall be discouraged, intimidated or coerced from filing such a complaint or discriminated against in any way because they have filed a complainant.

All complainants shall be in writing and sworn to by the person making the complaint. All complainants will be presented to the Chief of Police, who shall promptly investigate the complaint. Any Officer who is found to be engaged in racial profiling shall be subject to corrective action that is appropriate under all circumstances which may consist of, but not limited to, additional training, re-assignment of duties, or termination of employment with the Vidor Independent School District Police Department.

All complainants will be collected and kept on file indefinitely. Information for filing a complainant will be posted in a public place at each V.I.S.D. campus and the Administration Building. A copy of the Racial Profiling Policy will be posted on the School Districts website.

All information will be collected relating to traffic stops in which a citation is issued and to arrests resulting from these traffic stops, including information relating to: the race or ethnicity of the individual detained; and whether a search was conducted and, if so, whether the person detained consented to the search.

All information will be available to be submitted to the proper governing body of the School District for an annual report.

5. PUBLIC EDUCATION

This department will inform the public of it's policy against racial profiling and the complaint process. Methods that may be utilized to inform the public are the news media, radio, service or civic presentations, the Internet, as well as governing board meetings. Additionally, information will be made available as appropriate in languages other than English.

6. TRAINING

Officers are responsible to adhere to all Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) training and the Law Enforcement Management Institute of Texas (LEMIT) requirements as mandated by law.

All officers shall complete TCLEOSE 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 TCLEOSE intermediate proficiency certificate, or who had held a peace officer license issued by TCLEOSE for at least two years, shall complete a TCLEOSE training and education program on racial profiling not later than September 1, 2003.

7. 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 violator's race or ethnicity;
2. Whether a search was conducted;
3. Was the search consensual; and
4. Arrest for this cited violation or any other violation.

By March of each year, the department shall submit a report to their governing board that includes the information gathered by the citations. The report will include:

1. A breakdown of citations by 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.

Not later than March 1st of each year, this department shall submit a report to our governing body containing this information from the preceding calendar year.

8. USE OF VIDEO AND AUDIO EQUIPMENT

Each motor vehicle regularly used by this department to make traffic and pedestrian stops is equipped with a video camera and transmitter-activated equipment; and

Each traffic and pedestrian stop made by an officer of this department that is capable of being recorded by video and audio, or audio, as appropriate, is recorded.

This department shall retain the video and/or audiotapes of each traffic and pedestrian stop for at least ninety (90) days after the date of the stop. If a complaint is filed with this department alleging that one of our officers has engaged in racial profiling with respect to a traffic or pedestrian stop, this department shall retain the video and/or audiotapes of the stop until final disposition of the complaint.

Supervisors will ensure officers of this department are recording their traffic and pedestrian stops. A recording of each officer will be reviewed at least once every ninety (90) days.

If video and/or audio equipment used for recording pedestrian and traffic stops is malfunctioning or not in service for any reason, a officer who stops a motor vehicle for an alleged violation of a law or ordinance regulating traffic, or who stops a pedestrian for any suspected offense, shall record and report the following information:

1. A physical description of each person detained as a result of the stop, including:
 - a) The person's gender;
 - b) The person's race or ethnicity, as stated by the person or as determined by the officer to the best of his/her ability.
2. The street address or approximate location of the stop. The suspected offense or the traffic law or ordinance alleged to have been violated.
3. Whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search.
4. Whether probable cause to search existed and, if so, the fact(s) supporting the existence of that probable cause.
5. Whether any contraband was discovered in the course of the search and, if so, the type of contraband discovered.
6. Whether the officer made an arrest as a result of the stop and/or search, and, if so, a statement of the offense charged.

7. Whether the officer issued a warning or a citation as a result of the stop and, if so, a statement of the offense charged.

This department shall compile and analyze the information contained in these individual reports. Not later than March 1st of each year, this department shall submit a report to our governing body containing the information compiled from the preceding calendar year in a manner they approve. This report will include:

1. A comparative analysis of the information contained in the individual reports in order to:

- a) Determine the prevalence of racial profiling by officers in this department;
- b) Examine the disposition of traffic and pedestrian stops made by this department's officers, including searches resulting from stops.

2. Information relating to each complaint filed with this department alleging racial profiling.

This report will not include any identifying information about a peace officer who makes a stop or about an individual who is stopped or arrested by a peace officer.