SAN JACINTO COLLEGE POLICE DEPARTMENT

POLICY ON RACIAL PROFILING

Subject: Bias-Based Profiling

Purpose: To reaffirm the Department’s commitment to unbiased policing in all encounters between officers 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 manner; and to protect officers from unwarranted accusations of misconduct when they act within the dictates of departmental policy and the law.

Scope: This directive applies to commissioned officers.


It is the policy of this 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 prohibited from engaging in bias-based profiling when making traffic stops, field interview stops, or initiating asset seizure and forfeiture efforts. This policy is 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 the United States and Texas constitutions are equal protection under the law and freedom from unreasonable searches and seizures by governmental agents. The right of all persons to be treated equally and to be free from unreasonable searches and seizures must be respected. Bias-based 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.

A. Definitions:

1. The selection of individuals based solely on a common trait of a group. Therefore, a law enforcement-initiated action based on an individual’s race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable groups rather than on the individual’s behavior or on information identifying the individual as having engaged in criminal activity will not be tolerated. Bias-based 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 bias-based profiling does not preclude the use of race, ethnic background, gender, age, cultural group, or any other identifiable groups as factors in a detention decision. Race,
ethnic background, gender, age, cultural group, or any other identifiable groups may be legitimate factors in a detention 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 his or her race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable groups is bias-based profiling. Examples of bias-based profiling include, but are not limited to, the following:

a. Citing a driver who is speeding in a stream of traffic where most other drivers are speeding because of the cited driver’s race, ethnic background, gender, age, cultural group, or any other identifiable groups.

b. Detaining the driver of a vehicle based on the determination that a person of that race, ethnic background, gender, age, cultural group, or any other identifiable groups is unlikely to own or possess that specific make or model of vehicle.

c. Detaining an individual based upon the determination that a person of that race, ethnic background, gender, age, cultural group, or any other identifiable groups does not belong in a specific part of town or a specific place.

2. Race or Ethnicity: Of a particular descent, including Caucasian, African, Hispanic, Asian, or Native American.

3. 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.

4. Traffic Stop: A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance regulating traffic.

B. Training:

1. All officers shall complete a TCLEOSE training and education program on racial based profiling not later that 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.

2. The chief of police, as part of the initial training and continued education for such appointment, will be required to attend the Texas Police Chief Leadership Series at the Bill Blackwood Law Enforcement Management Institute as mandated by the Texas Education Code § 96.641(k).

C. Complaint Investigation:

1. The department shall accept complaints from any person who believes he or she has been stopped or searched based on bias-based profiling. No person shall be discouraged, intimidated or coerced from filing a complaint, nor discriminated against because he or she filed such a complaint.
2. Any employee who receives an allegation of bias-based profiling, including the officer who initiated the stop, shall record the person’s name, address and telephone number, and forward the complaint through appropriate channel or direct the individual(s). All employees will immediately report any allegation of bias-based profiling to their superior who will report the allegation to the Chief of Police.

3. Investigation of a complaint shall be conducted in a thorough and timely manner. All complaints will be acknowledged in writing to the initiator who will receive disposition regarding said complaint within a reasonable period of time. The investigation shall be reduced to writing and any reviewer’s comments or conclusions shall be forwarded to the Chief of Police. When applicable, findings and/or suggestions for disciplinary action, retraining, or changes in policy shall be forwarded to the Chief of Police.

4. If a bias-based profiling complaint is sustained against an officer, it will result in appropriate corrective and/or disciplinary action, up to and including termination.

5. If there is a departmental video and/or audio recording of the events upon which a complaint of bias-based profiling is based, upon commencement of an investigation by this department into the complaint and written request of the officer made the subject of the complaint, this department shall promptly provide a copy of the recording to that officer.

D. Public Education:

1. This department will inform the public of its policy against bias-based 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. Information will be made available as appropriate in languages other than English.

E. Citation Data Collection and Reporting:

1. An officer is required to collect information relating to traffic stops in which a citation is issued. On the citation officers must include: (The violator’s race or ethnicity; whether a search was conducted; was the search consensual; and arrest for this cited violation or any other violation).

2. Information collected in compliance with Code of Criminal Procedure Article 2.132 shall be submitted monthly to the Office of Chief of Police. The information will be compiled and submitted to the Chancellor and Board of Regents prior to March 1 or each year beginning in 2011. The report will include: (A breakdown of citations by race or ethnicity; number of citations that resulted in a search; number of searches; number of citations that resulted in custodial arrest for this cited violation or any other violation).

F. Use of Video and Audio Equipment:

1. Video and Audio recording Equipment is not used by the San Jacinto College Police Department in their patrol vehicles at this time. In the event that Patrol Vehicles are equipped in the future the following will apply:
a. 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, will be recorded.

b. This department shall retain the video and audiotapes, or the audiotape 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 bias-based profiling with respect to a traffic or pedestrian stop, this department shall retain the video and audiotapes, or the audiotape of the stop until final disposition of the complaint.

c. 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.

d. If the equipment used to record audio and/or video of traffic or pedestrian stops is malfunctioning or otherwise not operable, the officer making the stop will record and report the following information:

   i. A physical description of each person detained as a result of the stop, including the person’s gender, race or ethnicity as stated by the person or as determined by the officer to the best of his/her ability.

   ii. The street address or approximate location of the stop. The suspected offense or the traffic law or ordinance alleged to have been violated.

   iii. Whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search.

   iv. Whether probable cause to search existed and, if so, the fact(s) supporting the existence of that probable cause.

   v. Whether any contraband was discovered in the course of the search and, if so, the type of contraband discovered.

   vi. Whether the officer made an arrest as a result of the stop and/or search, and, if so, a statement of the offense charged.

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