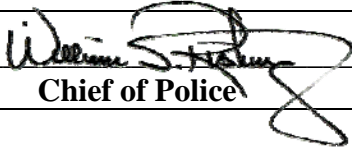


ALLEN POLICE DEPARTMENT		GENERAL ORDERS	
SUBJECT: RACIAL PROFILING		NUMBER: 5300	
EFFECTIVE DATE: 07 – 20 – 04		REVIEW DATE: 07 - 2007	
AMENDS/SUPERSEDES: GO 5300 issued 02-28-03		APPROVED:  Chief of Police	
CALEA STANDARDS:			

NOTE: This General Order is for internal use only and does not enhance an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this General Order, if proven, can only form the basis of a complaint by this Department and only in a non-judicial, administrative setting.

INDEX WORDS:

Audio and Video Recording
Collection of Information
Complaint
Ethnicity
Race

Racial Profiling
Reporting
Review
Training

I. PURPOSE

- A. The purpose of this order is to reaffirm the City of Allen Police Department's commitment to unbiased policing in all its encounters with 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

- A. 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 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. Racial profiling is an unacceptable patrol tactic and will not be condoned.

- B. This General Order is adopted in compliance with the requirements of Articles 2.131 through 2.136, Texas Code of Criminal Procedure, which prohibits Texas peace officers from engaging in racial profiling.

III. Definitions

- A. 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, persons needing assistance, or other citizen contacts.
- B. Race or Ethnicity - persons of a particular descent, including Caucasian, African, Hispanic, Asian, or Native American descent.
- C. Acts Constituting Racial Profiling - acts initiating law enforcement action, such as a traffic 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 upon the individual's behavior, information identifying the individual as having possibly engaged in criminal activity, or other lawful reasons for the law enforcement action.
- D. Pedestrian Stop - an interaction between a peace officer and an individual who is being detained for the purposes of a criminal investigation in which the individual is not under arrest.
- E. Traffic Stop - the stopping of a motor vehicle by a peace officer for an alleged violation of law or ordinance regulating traffic.

IV. PROHIBITION

- A. Officers of the Allen Police Department are strictly prohibited from engaging in racial profiling. The prohibition against racial profiling does not preclude the use of race, ethnicity or national origin as factors in a detention decision by an officer. Race, ethnicity or national origin may be legitimate factors in such a decision when used as part of a description of a suspect or witness for whom an officer is searching.

V. COMPLAINT PROCESS

- A. No person shall be discouraged, intimidated or coerced from filing a complaint, or be discriminated against because they have filed a complaint.

- B. Any person who believes that a peace officer employed by the Allen Police Department has engaged in racial profiling with respect to that person, may file a complaint in accordance with the provisions of General Order 300, Discipline/Complaints Against Police Personnel.
 - 1. An employee who is contacted regarding a complaint against an officer shall follow the procedures set forth in General Order 300, Section X. Investigation of Externally Originated Complaints.
 - 2. Citizens who appear in person wishing to file a complaint shall be provided with a departmental brochure, "How to File a Complaint." Brochures are maintained in the Allen Police Department lobby, and at the Allen City Hall.
- C. Any supervisor who becomes aware of an alleged or suspected violation of this General Order shall report the alleged violation in accordance with General Order 300, Discipline, Section XI. Investigation of Internally Originated Complaints.
- D. Complaints of racial profiling shall be classified as a Level I complaint, and shall be investigated by the Internal Affairs Unit, unless otherwise directed by the Chief of Police.

VI. DISCIPLINARY AND CORRECTIVE ACTIONS

Any department officer who is found, after investigation, to have engaged in racial profiling in violation of this General Order may be subject to disciplinary action, up to and including termination. Disciplinary or corrective actions may include diversity, sensitivity or other appropriate training or counseling, as determined by the Chief of Police.

VII. PUBLIC EDUCATION

The police department of the City of Allen shall provide education to the public concerning the racial profiling complaint process. The primary method of public education shall be through brochure, "How to File A Complaint" which are maintained in the lobby of the Allen Police Department, and at the Allen City Hall. Other education methods may be utilized to inform the public, including news media, civic presentations, City of Allen Television channel (6), the Internet, and/or public meetings.

VIII. COLLECTION OF INFORMATION AND ANNUAL REPORT WHEN CITATION ISSUED OR ARREST MADE

- A. For each pedestrian or traffic stop in which a citation is issued and for each arrest resulting from such pedestrian or traffic stops, an officer involved in the stop shall collect the following information on the citation:

1. information identifying the race or ethnicity of the person detained. The following codes will be used to identify the individual's race:

B = Black
A = Asian
I = Native American / American Indian
H = Hispanic
W=White
O = Other

Note: Officers may not ask the individual to identify their race. If the officer is unable to determine the race or ethnicity of the person contacted, then the race shall be entered as "other" on the citation(s) issued.

2. whether a search was conducted;
 3. if a search was conducted, whether the person detained consented to the search;
 4. whether contraband was found;
 5. whether the person contacted is a resident or non-resident of the City of Allen. This shall be reflected on each citation issued, using an (R) for residents or an (NR) for non-resident.
- B. The information collected shall be compiled in an annual report covering the period January 1 through December 31 of each year, and shall be submitted to the governing body of the City of Allen no later than March 1 of the following year. 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;
 4. Number of citations that resulted in custodial arrest; and
 5. Public education efforts concerning the racial profiling complaint process.
- C. The annual report shall not include identifying information about any individual stopped or arrested, and shall not include identifying information about any peace officer involved in a stop or arrest.

IX. AUDIO AND VIDEO EQUIPMENT

- A. Each motor vehicle regularly used by this department to make traffic and pedestrian stops is equipped with a mobile video camera system capable of recording video and audio, and each motorcycle regularly used by this department to make traffic and pedestrian stops is provided with audio recording equipment.
- B. Each traffic and pedestrian stop made by an officer of this department that is capable of being recorded by video and audio, or by audio only for motorcycles, shall be recorded. In units equipped with mobile video camera systems, both video and audio recordings shall be required.
- C. Supervisors and Officers shall ensure that mobile video camera equipment, and/or audio equipment, is properly functioning prior to commencing their tour of duty. Police units with malfunctioning or inoperable mobile video camera equipment shall not be utilized under normal circumstances.
- D. Supervisors shall have the authority to assign units with malfunctioning or inoperable mobile video equipment when situations dictate. Officers assigned to such units shall collect and document the information listed below for each traffic and pedestrian stop. All documentation must be submitted to the officer's supervisor prior to ending that tour of duty. Documentation shall include but is not limited to Field Interview Forms, Traffic Citations and Warning Tickets.
 - 1. a physical description of each person detained as a result of the stop, including:
 - a. the person's gender; and
 - b. the person's race or ethnicity, as stated by the person, or if the person does not state, the person's race or ethnicity, as determined by the officer to the best of his or her ability. Officers will not ask the individual to identify their race or ethnicity;
 - 2. the traffic law or ordinances alleged to have been violated, or the suspected offense;
 - 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 any contraband was discovered in the course of the search and the type of contraband discovered;
 - 5. whether probable cause to search existed and the facts supporting the existence of that probable cause;

6. whether the officer made an arrest as a result of the stop or the search, including a statement of the offense charged;
7. the street address or approximate location of the stop; and
8. whether the officer issued a warning or a citation as a result of the stop, including a description of the warning or a statement of the violation charged.
9. whether the person contacted is a resident or non-resident of the City of Allen. This shall be reflected on each citation issued, using an (R) for residents or an (NR) for non-resident.

XI. REVIEW OF VIDEO AND AUDIO DOCUMENTATION

- A. Each audio and video recording shall be retained for a minimum period of ninety (90) days, unless a complaint is filed alleging that an officer has engaged in racial profiling with respect to a traffic or pedestrian stop. The Commander of the Patrol Services Division shall ensure that all audio and videotapes are properly stored and retained in accordance with applicable laws and this General Order.
- B. If a complaint is received alleging that an officer has engaged in racial profiling, the tape shall be forwarded to the Internal Affairs Unit. The Internal Affairs Division shall retain the tape until final disposition of the complaint has been made.
- C. The Patrol Services Commander or his designee shall review a randomly selected sampling of video and audio recordings, made recently by officers employed by the Department, in order to determine if patterns of racial profiling exist. These reviews shall be conducted weekly and documented on the appropriate form (APD-277).
 1. Written documentation shall include:
 - a. the names of the officers whose contacts were reviewed;
 - b. the date(s) of the tapes reviewed;
 - c. the date the actual review was conducted; and
 - d. the name of the person conducting the review.
 2. The Patrol Services Commander shall forward the required documentation to the Office of the Chief of Police.
 3. The Office of the Chief of Police shall maintain a file of all tape review documentation performed, in compliance with this General Order.

- D. In reviewing audio and video recordings, the Patrol Services Commander or his designee, shall seek to determine if the officer(s) reviewed have engaged in a pattern of racial profiling, that includes multiple acts constituting racial profiling for which there is no reasonable, credible explanation based on established police and law enforcement procedures.

XII. TRAINING

- A. Each peace officer employed by the department shall complete the comprehensive education and training program on racial profiling established by the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) not later than the second anniversary of the date the officer was licensed, 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.
- B. The Chief of Police shall, in completing the training required by Section 96.641, Texas Education Code, complete the program on racial profiling established by the Bill Blackwood Law Enforcement Management Institute of Texas (LEMIT), not later than September 1, 2003.

XIII. EFFECTIVE DATE

- A. Any previous directive, rule, order or regulation that pertains to this subject matter and its amendments shall remain in full force and effect for any violation(s) which occur prior to the effective date of this General Order.
- B. If any section, sentence, clause or phrase of this General Order is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this General Order.
- C. All training on this General Order will be in accordance with General Order 100, Written Directive System, Chapter VIII, Training.
- D. The effective date is stated in the header block of this General Order.