

CHAPTER FIFTY TWO

RACIAL PROFILING

52.01 POLICY. The Princeton Police Department has established a Racial Profiling Policy 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.

52.02 DEFINITIONS

- (a) **Racial Profiling:** 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 of Ethnicity:** Persons of a particular decent, including Caucasian, African, Hispanic, Asian, or Native American descent.
- (c) **Acts Constituting Racial Profiling:** Acts initiating law enforcement action, such as a traffic stop, detention, search, citation or arrest based solely upon an individual's race, ethnicity, or national origin or based on racial or ethnic stereotypes, rather than on the individual's behavior, other lawful reasons for the law enforcement action.
- (d) **Pedestrian Stop:** An interaction between police and an individual who is detained for the purpose 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.

52.03 PROHIBITION. Peace Officers for the Princeton 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 a police officer. Race, ethnicity, or national origin may be legitimate factors in such decisions when used as part of a description of a suspect or witness for whom a peace officer is searching.

52.04 COMPLAINT PROCESS.

- (a) Any person who believes that a peace officer employed by the Princeton Police Department has engaged in racial profiling with respect to that person may file a complaint in accordance with Princeton Police Department General Orders. No person shall be discouraged, intimidated or coerced from filing such a complaint, or be retaliated against because they have filed such a complaint.
- (b) The Police Department shall accept and investigate citizen complaints alleging racial profiling by its peace officers. Complaints should be in writing, or the employee, officer or official receiving the complaint should reduce the complaint to writing and should include the time, place, and details of the alleged racial profiling incident along with the identity or description of the police officer(s) involved, and the identity and manner of contacting the complainant. Complaints should be submitted to the police department within 90 days of the alleged event of racial profiling in order to preserve the evidence reflected in any audio or video recording; however, a complaint shall be accepted at any time submitted.
- (c) Any peace officer, City employee, or City official who receives a citizen complaint alleging racial profiling shall forward the complaint to the Chief of Police, or designee, within twelve (12) hours of receipt of the complaint. Receipt of each complaint shall be acknowledged to the complainant in writing. All complaints shall be reviewed and investigated by the Chief of Police or designee within a reasonable period of time and the results of the review and investigation shall be filed with the Police Department and with the complainant.
- (d) The investigation of a complaint alleging racial profiling shall seek to determine if the Princeton peace officer that is the subject of the complaint has been engaged in a pattern of racial profiling. This would include multiple acts constituting racial profiling for which there is no reasonable, credible explanation based on established police and law enforcement procedures. A single act constituting racial profiling may not be considered a pattern of racial profiling, but it may be grounds for corrective action.
- (e) In the event a complaint of racial profiling filed by a n individual involves an occurrence that was recorded on audio or video, the Princeton Police Department shall, upon commencement of the investigation of the complaint, and upon a written request of the

officer, promptly provide a copy of the recording to the peace officer that is the subject of the complaint.

52.05 PUBLIC EDUCATION. The Princeton Police Department shall provide education to the public concerning the racial profiling complaint process. A summary of the public education effort made during the preceding year shall be included with the annual report filed with the City of Princeton Council and City Administrator.

52.06 CORRECTIVE ACTION. Any peace officer employed by the Princeton Police Department who is found, after investigation, to have engaged in racial profiling in violation of this policy shall be subject to corrective action in accordance with the Princeton Police Department General Orders Manual.

52.07 COLLECTION OF INFORMATION AND ANNUAL REPORT WHEN A CITATION IS ISSUED OR ARREST MADE.

- (a) Each traffic stop in which a citation is issued and for each arrest resulting from such traffic stops, the peace officer involved in the stop shall collect information identifying the race or ethnicity of the person detained, stating whether a search was conducted, and if a search was conducted, whether the person detained consented to the search. This information shall be collected, compiled and reported irrespective of whether the City has the audio or visual equipment referenced in Section 8 herein.
- (b) The information collected shall be compiled in an annual report covering the period of January 1 through December 31 of each year and shall be submitted to the City Council and City Administrator no later than March 1 of the following year. The annual report shall not include identifying information about any peace officer involved in a stop or arrest.

52.08 AUDIO AND VIDEO EQUIPMENT The Princeton Chief of Police shall examine the feasibility of installing and maintaining video camera equipment and transmitter-activated equipment in each Princeton police vehicle regularly used to make traffic stops and transmitter-activated equipment in each police motorcycle regularly used to make traffic stops.

52.09 REVIEW OF VIDEO AND AUDIO DOCUMENTATION STANDARDS

- (a) Each audio and video recording shall be retained for a minimum period of ninety (90) days unless a complaint is filed alleging that a police officer employed for the Princeton Police Department

has engaged in racial profiling with respect to a traffic or pedestrian stop, in which case the recording shall be retained until final disposition of the complaint.

- (b) In conjunction with preparation of the annual report required under Part 7 above, the Chief of Police or designee shall periodically conduct reviews of randomly selected sampling of video and audio recordings made recently by peace officers employed by the City of Princeton in order to determine if patterns of racial profiling exist. The review shall be conducted at least once every ninety days. The Chief of Police or designee will document each review.
- (c) In reviewing audio and video recordings, the Chief of Police or designee shall seek to determine if the officer who is involved has engaged in a single act of racial profiling in violation of this policy or 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. A single act may constitute racial profiling in violation of this policy that may subject an officer to corrective action. A single act, however, does not constitute a pattern or practice of racial profiling.

52.10 COLLECTION, COMPILATION, ANALYSIS, AND REPORTING REQUIREMENTS IN ABSENCE OF EITHER AUDIO AND VIDEO EQUIPMENT OR NON-FUNDING CERTIFICATION BY THE GOVERNING BODY

- (a) In addition to the annual report required when citations are issued and arrests are made, and so long as the City of Princeton has not equipped all motor vehicles and motorcycles regularly used to make traffic and pedestrian stops with audio and video equipment, as applicable, and so long as the City has not or is not able to certify to the Department of Public Safety that it needs funds for such audio and video equipment but has not received such funds, then each peace officer of the City shall make the following report for each traffic and pedestrian stop:
 - (1) Physical description of each person detained as a result of the stop, including:
 - A. gender;
 - B. 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;

- C. the traffic law or ordinance alleged to have been violated or the suspected offense;
- D. whether the officer conducted a search as a result of the stop, and if so, whether the person detained consented to the search;
- E. whether any contraband was discovered in the course of the search and the type of contraband discovered;
- F. whether probable cause to search existed and the facts supporting the existence of that probable cause;
- G. whether the officer made an arrest as a result of the stop or the search including a statement of the offense charged;
- H. the street address or approximate location of the stop; and
- I. 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.

- (2) The information in each report shall be analyzed and compiled in a report that covers the period January 1 through December 31 of each year and shall be submitted to the City Council and City Administrator no later than March 1 of the following year. Each report shall include:
- A. Comparative analysis of the information compiled under Section 10(A)(1)(a-I) to:
 - i. determine the prevalence of racial profiling by peace officers employed by the City; and
 - ii. examine the disposition of traffic and pedestrian stop made by officers employed with the City, including searches resulting from such stops; and
 - B. Information relating to each complaint filed with the City alleging that a peace officer employed by the Princeton Police Department had engaged in racial profiling.
 - C. The report required by this Section 10 may not include identifying information about a peace officer who makes a traffic or pedestrian stop or about an individual who is stopped or arrested by an officer.

- D. The compilation of information, analysis and report required by this Section 10 shall not be required for any calendar year during which:
- i. The city had equipped all motor vehicles and motorcycles regularly used to make traffic and pedestrian stops with audio and video equipment, and each traffic and pedestrian stop made by a peace officer employed by the Princeton Police Department that is capable of being recorded by video and audio or audio equipment, as appropriate, has been so recorded, or
 - ii. The City has certified to the Department of Public Safety that it needs funds for such audio and video equipment, as described in Part 8 above, but has not received such funds.

52.11 PEACE OFFICER AND POLICE CHIEF TRAINING.

- (a) Each peace officer employed by the Princeton Police 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 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.