



## Amarillo College Police Department


Chapter: 2 Professional Standards and Conduct

Policy: 2.01 Bias Based Policing

Effective Date: 4-22-2019

Replaces:

Approved

  
Chief of Police – Stephanie Birkenfeld

Last Reviewed: 4-22-2019

Reference: TBP 2.01.1

### Purpose:

To reaffirm the Amarillo College Police Department's professional commitment to unbiased policing in all its encounters between our police 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 fashion; and to protect our officers from unwarranted accusations of misconduct when they act within the dictates of agency policy, state, and federal laws.

### Authority:

1. **Federal Law: "Title VII of the Civil Rights Act of 1964".**
2. **4<sup>th</sup> Amendment & 14<sup>th</sup> Amendment**
3. **State Law: "Code of Criminal Procedure- Chapter 2, Articles 2.131 – 2.138.**

### Policy:

It is the policy of the Amarillo College Police Department to police in a proactive manner and to investigate suspected violations of law. Officers shall actively enforce all laws and local rules in a responsible and professional manner, without regard to race, ethnicity, or national origin. Officers are strictly prohibited from engaging in racial profiling, bias-based profiling, discrimination, oppression, or favoritism as defined in this policy. This policy shall be applicable to all persons, whether drivers, passengers, or pedestrians.

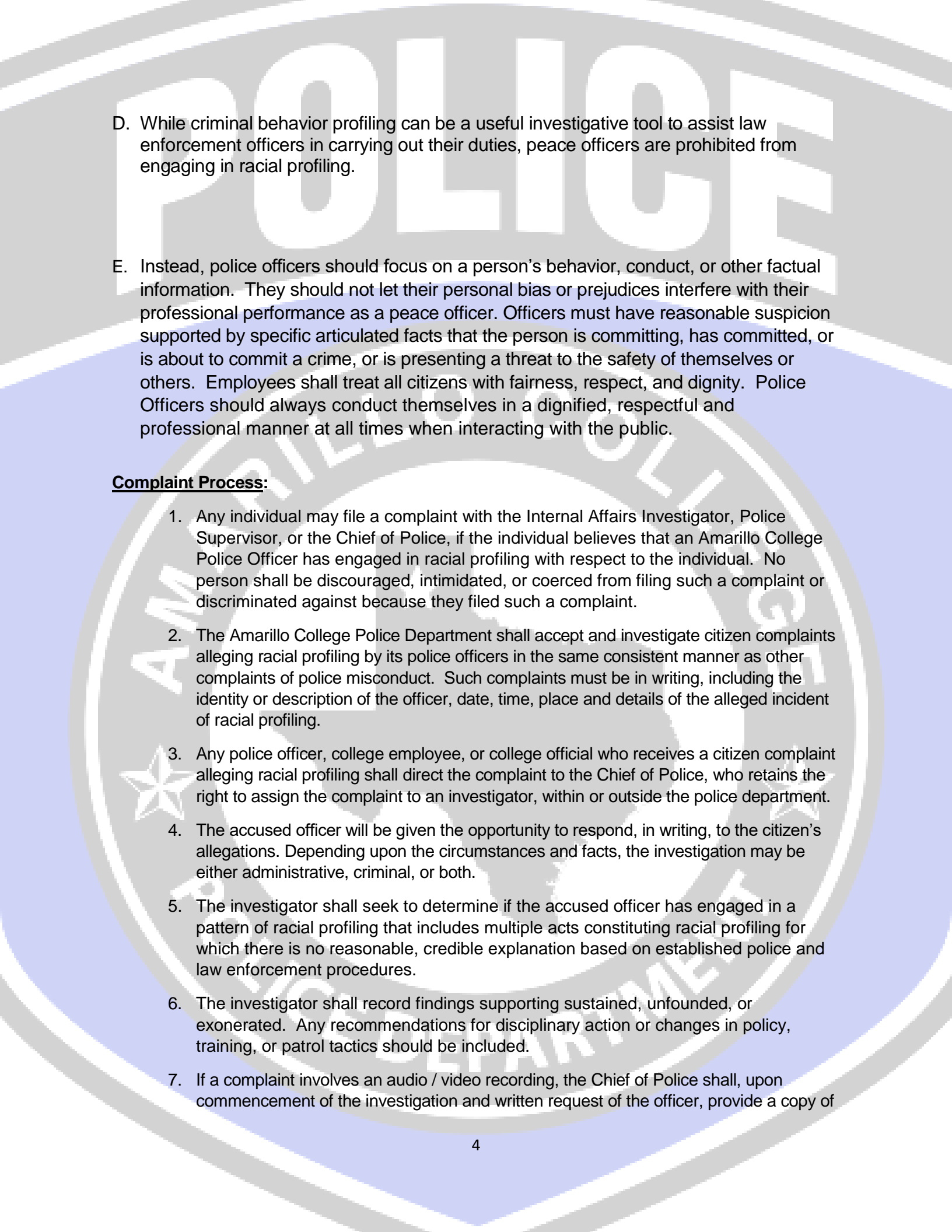
### Definitions:

1. Acts Constituting Racial Profiling: are 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.
2. Bias Based Profiling: is the selection of individuals based solely on a common trait of a group. This includes, but is not limited to, race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group trait. Racial profiling is included within the meaning of bias based profiling.

3. Bill Blackwood Law Enforcement Management Institute of Texas: LEMIT was created in 1989 by the 69<sup>th</sup> Texas Legislature to provide training for the development of administrative, analytical, and leadership skills of law enforcement executives in Texas.
4. Discrimination: the unjust or prejudicial treatment of different categories of people or things, especially on the grounds of race, age, or sex.
5. Favoritism: the practice of giving unfair preferential treatment to one person or group at the expense of another.
6. Law Enforcement Agency: means an agency of the state, or of a county, municipality, or other political subdivision of the state, that employs peace officers who make traffic stops in the routine performance of the officer's official duties.
7. MVR: an acronym for mobile video / audio recording equipment.
8. Oppression: prolonged cruel or unjust treatment or control.
9. Pedestrian Stop: means 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 and who, immediately prior to detention, was not the driver or passenger of a vehicle, such as *"field interviews"*.
10. Probable Cause: Probable Cause 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 a crime has been committed, is about to be committed, or is in the process of being committed. Probable Cause can be based on the observations of a police officer, combined with his/her training and law enforcement experience, and/or reliable information received from credible sources.
11. Race or Ethnicity: means of a particular origin or decent, and are broken down in the following categories: Alaska Native or American Indian; Asian or Pacific Islander; black, white; Hispanic or Latino; Middle Eastern and other. Determining a person's race or ethnicity shall be at the officer's discretion.
12. Racial Profiling: means 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.
13. Texas Commission on Law Enforcement: TCOLE is a state agency created in 1965 by an act of the 59<sup>th</sup> Texas Legislature, empowered to establish minimum licensing and training standards for Texas peace officers to improve the proficiency of law enforcement services.
14. Motor Vehicle Stop: means the stopping of a motor vehicle by a police officer for an alleged violation of law or ordinance regulating traffic.

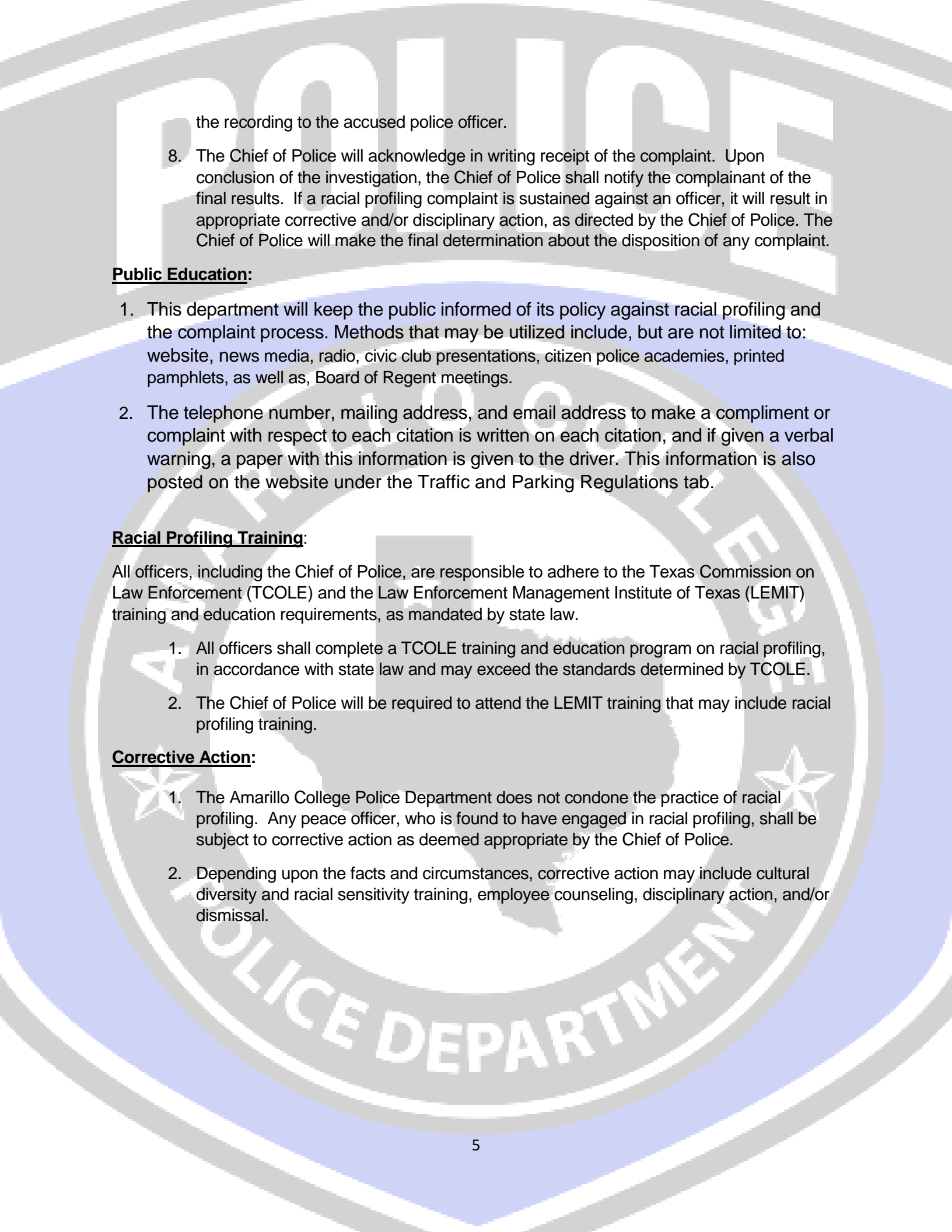
### Procedure:

- A. 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 Constitution and the Texas Constitution are *equal protection under the law and freedom from unreasonable searches and seizures* by law enforcement officers. The right of all persons to be treated equally and to be free from unreasonable searches and seizures must be respected. Biased based profiling and racial profiling is an unacceptable patrol tactic and will not be condoned. The Amarillo College Police Department is charged with enforcing the law, as well as, protecting citizen's constitutional rights, regardless of race, color, ethnicity, national origin, age, gender, sexual orientation, religion, disability, or economic status. Because of the nature of our law enforcement profession, police officers are required to be observant, to identify unusual occurrences, suspicious behavior, and law violations, taking appropriate and reasonable law enforcement action. It is this proactive enforcement that prevents crime, keeps our citizens free from crime, our community safe, and that detects and apprehends criminals. This policy is intended to accomplish our police mission, while enforcing the law and arresting criminals within constitutional restrictions.
- B. 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.
- C. The prohibition against biased based profiling and racial profiling does not preclude the use of race, ethnicity, or national origin as factors in a detention decision. Race, ethnicity, or national origin may be legitimate factors in a detention decision 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 that individual's race, ethnicity, or national origin is racial profiling. Examples of racial profiling include, but are not limited to the following:
- i. 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.
  - ii. 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.
  - iii. 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.

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- D. While criminal behavior profiling can be a useful investigative tool to assist law enforcement officers in carrying out their duties, peace officers are prohibited from engaging in racial profiling.
- E. Instead, police officers should focus on a person's behavior, conduct, or other factual information. They should not let their personal bias or prejudices interfere with their professional performance as a peace officer. Officers must have reasonable suspicion supported by specific articulated facts that the person is committing, has committed, or is about to commit a crime, or is presenting a threat to the safety of themselves or others. Employees shall treat all citizens with fairness, respect, and dignity. Police Officers should always conduct themselves in a dignified, respectful and professional manner at all times when interacting with the public.

**Complaint Process:**

1. Any individual may file a complaint with the Internal Affairs Investigator, Police Supervisor, or the Chief of Police, if the individual believes that an Amarillo College Police Officer has engaged in racial profiling with respect to the individual. No person shall be discouraged, intimidated, or coerced from filing such a complaint or discriminated against because they filed such a complaint.
2. The Amarillo College Police Department shall accept and investigate citizen complaints alleging racial profiling by its police officers in the same consistent manner as other complaints of police misconduct. Such complaints must be in writing, including the identity or description of the officer, date, time, place and details of the alleged incident of racial profiling.
3. Any police officer, college employee, or college official who receives a citizen complaint alleging racial profiling shall direct the complaint to the Chief of Police, who retains the right to assign the complaint to an investigator, within or outside the police department.
4. The accused officer will be given the opportunity to respond, in writing, to the citizen's allegations. Depending upon the circumstances and facts, the investigation may be either administrative, criminal, or both.
5. The investigator shall seek to determine if the accused officer has 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.
6. The investigator shall record findings supporting sustained, unfounded, or exonerated. Any recommendations for disciplinary action or changes in policy, training, or patrol tactics should be included.
7. If a complaint involves an audio / video recording, the Chief of Police shall, upon commencement of the investigation and written request of the officer, provide a copy of

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- the recording to the accused police officer.
8. The Chief of Police will acknowledge in writing receipt of the complaint. Upon conclusion of the investigation, the Chief of Police shall notify the complainant of the final results. If a racial profiling complaint is sustained against an officer, it will result in appropriate corrective and/or disciplinary action, as directed by the Chief of Police. The Chief of Police will make the final determination about the disposition of any complaint.

#### **Public Education:**

1. This department will keep the public informed of its policy against racial profiling and the complaint process. Methods that may be utilized include, but are not limited to: website, news media, radio, civic club presentations, citizen police academies, printed pamphlets, as well as, Board of Regent meetings.
2. The telephone number, mailing address, and email address to make a compliment or complaint with respect to each citation is written on each citation, and if given a verbal warning, a paper with this information is given to the driver. This information is also posted on the website under the Traffic and Parking Regulations tab.

#### **Racial Profiling Training:**

All officers, including the Chief of Police, are responsible to adhere to the Texas Commission on Law Enforcement (TCOLE) and the Law Enforcement Management Institute of Texas (LEMIT) training and education requirements, as mandated by state law.

1. All officers shall complete a TCOLE training and education program on racial profiling, in accordance with state law and may exceed the standards determined by TCOLE.
2. The Chief of Police will be required to attend the LEMIT training that may include racial profiling training.

#### **Corrective Action:**

1. The Amarillo College Police Department does not condone the practice of racial profiling. Any peace officer, who is found to have engaged in racial profiling, shall be subject to corrective action as deemed appropriate by the Chief of Police.
2. Depending upon the facts and circumstances, corrective action may include cultural diversity and racial sensitivity training, employee counseling, disciplinary action, and/or dismissal.



### **Motor Vehicle Stop Data Collection & Reporting:**

1. An officer is required to collect information relating to motor vehicle stops that involve an arrest or the issuance of a citation. The officer must document:
  - a. Gender;
  - b. Race or ethnicity;
  - c. Race or ethnicity known prior to stop
  - d. Reason for stop (violation of law, preexisting knowledge i.e. warrant, moving traffic violation, or vehicle traffic violation i.e. equipment inspection)
  - e. Street address or approximate location (city street, US highway, State Highway, County Road, or private property or other)
  - f. Was a Search Conducted
  - g. Reason search was conducted (consent, contraband/evidence in plain sight, probable cause or reasonable suspicion, inventory search, incident to arrest or warrant)
  - h. Description of Contraband (illegal drugs/drug paraphernalia, currency, weapons, alcohol, property stolen, other)
  - i. Result of stop (verbal warning, written warning, citation, written warning and arrest, citation and arrest, arrest)
  - j. Arrest based on (violation of penal code, violation of traffic law, violation of city ordinance, outstanding warrant)
  - k. Was physical force resulting in bodily injury used during stop
2. Not later than March 1<sup>st</sup> of each year, the department shall submit a report to TCOLE. The department shall also submit the report to the Board of Regents. The report shall include the information gathered by the citations and will have statistical summaries of the motor vehicle stops. The information gathered will be compiled for the prior year between January 1 and December 31. The report shall not include identifying information about any individual stopped or arrested and shall not include identifying information about any police officer involved in a motor vehicle stop or arrest. The data collected as a result of reporting requirements, shall not constitute prima facie evidence of racial profiling.

### **Audio and Video Equipment and Recordings:**

1. The Amarillo College Police Department has installed video / audio cameras in every patrol vehicle to ensure officer accountability. There is a front dash mounted camera, backseat camera, and each uniformed patrol officer is assigned a body camera.
2. This administration has gone to great expense installing MVR systems in all patrol vehicles to accomplish the many patrol objectives, including officer accountability, documentation, evidence, and training.
3. All motor vehicle stops shall be recorded. During motor vehicle stops, MVR equipment shall automatically activate and remain on until the traffic stop is terminated.
4. The Amarillo College Police Department shall retain motor vehicle stop videos for a minimum period of ninety (90) days, in compliance with state law. If a complaint is filed with this department, the agency shall retain that videotape until final disposition of the complaint.
5. The Sergeant will ensure that patrol officers are recording their traffic stops, in compliance with agency policy, as well as, state law. The Sergeant is responsible to periodically review the videos, monitoring the performance of patrol officers, and take corrective measures, as warranted, to prevent any police misconduct, including racial profiling, and submit a report to the Chief of Police.
6. Any evidence of racial profiling or other police misconduct, the Sergeant will forward the video and other pertinent information to the Chief of Police for corrective measures, including sanctions.