

	LAKE DALLAS POLICE DEPARTMENT GENERAL ORDER	
	Bias Based Policing	Policy 4.29
	Effective Date: 03/01/2018	Replaces: G.O. 4.29 Issued 12/11/2001
	DANIEL J. CAROLLA Chief of Police	
	Reference: TBP 2.01, Texas Code of Criminal Procedure Art. 2.132, Art. 2.133, and Art. 2.134	

I. PURPOSE

The purpose of the policy is to reaffirm the Lake Dallas Police Department’s commitment to unbiased policing in all encounters between an officer 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; to emphasize the importance of the constitutional guidelines within which we operate.

II. POLICY

The Lake Dallas Police Department is committed to a respect for constitutional rights in the performance of our duties. We shall exercise our sworn duties, responsibilities, and obligations in a manner that does not discriminate on the basis of race, sex, gender, sexual orientation, national origin, ethnicity, age, or religion. Respect for diversity and equitable enforcement of the law are essential to our mission.

All enforcement actions shall be based on the standards of reasonable suspicion or probable cause as required by the Fourth Amendment to the U. S. Constitution and by statutory authority. In all enforcement decisions, officers shall be able to articulate specific facts, circumstances, and conclusions that support probable cause or reasonable suspicion for arrests, searches, seizures, and stops of individuals. Officers shall not stop, detain, arrest, search, or attempt to search anyone based solely upon the person's race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group.

All departmental orders are informed and guided by this directive. Nothing in this order limits non-enforcement contacts between officers and the public.

III. DEFINITIONS

- A. **Bias:** Prejudice or partiality based on preconceived ideas, a person's upbringing, culture, experience, or education.
- B. **Biased policing:** Stopping, detaining, searching, or attempting to search, or using force against a person based upon his or her race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other

identifiable group.

- C. Ethnicity: A cluster of characteristics that may include race but also cultural characteristics or traits that are shared by a group with a common experience or history.
- D. Gender: Unlike sex, a psychological classification based on cultural characteristics or traits.
- E. Probable cause: Facts or apparent facts and circumstances within an officer's knowledge and of which the officer had reasonable, trustworthy information to lead a reasonable person to believe that an offense has been or is being committed, and that the suspect has committed it.
- F. Race: A category of people of a particular descent, including Caucasian, African, Hispanic, Asian, Middle Eastern, or Native American descent. As distinct from ethnicity, race refers only to physical characteristics sufficiently distinctive to group people under a classification.
- G. 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.
- H. Reasonable suspicion: Articulable, objective facts that lead an experienced officer to suspect that a person has committed, is committing, or may be about to commit a crime. A well-founded suspicion is based on the totality of the circumstances and does not exist unless it can be articulated. Reasonable suspicion supports a stop of a person. Courts require that stops based on reasonable suspicion be "objectively reasonable."
- I. Sex: A biological classification, male or female, based on physical and genetic characteristics.
- J. Stop: An investigative detention. The detention of a subject for a brief period of time, based on reasonable suspicion.

IV. PROCEDURES

A. General responsibilities

1. Officers are prohibited from engaging in bias-based (including racial) profiling or stopping, detaining, searching, arresting, or taking any enforcement action including seizure or forfeiture activities, against any person based solely on the person's race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group. These characteristics, however, may form the basis for establishing reasonable suspicion or probable cause when officers are seeking a suspect with one or more of these attributes based on information provided to the officers. (TBP: 2.01)

2. Examples of bias-based (including racial) profiling include, but are not limited to, the following:
 - a. Stopping and/or citing a driver who is speeding in a stream of traffic where most other drivers are speeding because of the driver's race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group.
 - b. Detaining the driver of a vehicle based on the determination that a person of that race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group 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, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group "does not belong" in a specific part of town or a specific place.

B. Training (TBP: 2.01)

Officers shall complete all training required by state law regarding bias-based profiling.

C. Supervisor responsibilities

1. Supervisors shall be held accountable for the observance of constitutional safeguards during the performance of their duties. Supervisors shall identify and correct instances of bias in the work of their subordinates.
2. Supervisors shall use the disciplinary mechanisms of the department to ensure compliance with this order and the constitutional requirements of law enforcement.
3. Supervisors shall be mindful that in accounting for the actions and performance of subordinates, supervisors are key to maintaining community trust in law enforcement. Supervisors shall continually reinforce the ethic of impartial enforcement of the laws, and shall ensure that personnel, by their actions, maintain the community's trust in law enforcement.
4. Supervisors shall ensure that all enforcement actions are duly documented per departmental policy. Supervisors shall ensure that all reports show adequate documentation of reasonable suspicion and probable cause, if applicable.
5. Supervisors shall facilitate the filing of any complaints about law-enforcement service.

6. Supervisors will randomly review at least three video tapes per officer (either body camera and/or in-car camera video) per quarter. For this policy, a “quarter” is defined as a three-month period of time. Supervisors are not required to watch each incident of an entire shift; however, reviewing the footage in a manner intended to gain an understanding of that officer’s performance and adherence to policy and law is required. Supervisors will document the random review of the video in their video review log and any violations of policy or law will be addressed through the use of existing internal affairs policy. (TBP: 2.01)
7. Section V.C.6. applies only to first-line uniformed officers and their immediate supervisors. In the absence of a first-line supervisor, this responsibility will move to the patrol lieutenant.

V. COMPLAINT INVESTIGATION

- A. The Department shall publish police employee compliment and complaint procedures literature and make it available in the public lobby of the police department. The Department’s compliment and complaint process and its bias-based profiling policy will be posted on the Department’s website.
- B. The Department will provide a telephone number, mailing address, and e-mail address where the public may communicate a compliment or complaint with respect to each ticket, citation, or warning issued by a peace officer.
- C. Complaints alleging incidents of bias-based profiling will be fully investigated as described under Policy 2.13.
- D. Any employee who receives an allegation of racial profiling, including the officer who initiated the stop, shall record the person’s name, address and telephone number, and forward the complaint through the appropriate channel or direct the individual(s) on how to communicate the complaint to the Department. Any employee contacted by a complainant shall provide to the complainant a copy of a complaint form or the department process for filing a complaint. A Department employee who becomes aware of an allegation of racial profiling must report such allegation to the employee’s supervisor before the end of the employee’s shift.
- E. Complainants will be notified of the results of the investigations when the investigation is completed.
- F. If a bias based (including racial) profiling complaint is sustained against an officer, appropriate corrective and/or disciplinary action will result, up to and including termination.

VI. REPORTING (Texas Code of Criminal Procedure Art. 2.132, Art. 2.133, and Art. 2.134)

- A. Texas Code of Criminal Procedure Art. 2.132 requires collection of information relating to motor vehicle stops in which a ticket, citation, or warning is issued and to arrests made as a result of those stops, including information relating to:
1. The race or ethnicity of the individual detained;
 2. Whether a search was conducted and, if so, whether the individual detained consented to the search;
 3. Whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual;
 4. Whether the peace officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code, during the stop;
 5. The location of the stop; and
 6. The reason for the stop
- B. Texas Code of Criminal Procedure Art. 2.132 requires the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision VI.A to:
1. The Texas Commission on Law Enforcement; and
 2. The governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.
 3. The data collected as a result of the reporting requirements shall not constitute prima facie evidence of racial profiling.
 4. A report required under this Subsection VI.B may not include identifying information about a peace officer who makes a motor vehicle stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the collection of information under Tex. Code Crim. Pro. Article 2.132.
 5. The Lake Dallas Police Department shall review the data collected under Subsection VI.A. to identify any improvements the agency could make in its practices and policies regarding motor vehicle stops.
- C. Texas Code of Criminal Procedure Art. 2.133 requires a peace officer who stops a motor vehicle for an alleged violation of a law or ordinance to report to the law enforcement agency that employs the officer information relating to the stop, including:
1. A physical description of any person operating the motor vehicle who is detained as a result of the stop, including:

1. The person's gender; and
 2. 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 the officer's ability;
2. The initial reason for the stop;
 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 or other evidence was discovered in the course of the search and a description of the contraband or evidence;
 5. The reason for the search, including whether:
 1. Any contraband or other evidence was in plain view;
 2. Any probable cause or reasonable suspicion existed to perform the search; or
 3. The search was performed as a result of the towing of the motor vehicle or the arrest of any person in the motor vehicle;
 6. Whether the officer made an arrest as a result of the stop or the search, including a statement of whether the arrest was based on a violation of the Penal Code, a violation of a traffic law or ordinance, or an outstanding warrant and a statement of the offense charged;
 7. The street address or approximate location of the stop;
 8. Whether the officer issued a verbal or written warning or a ticket or citation as a result of the stop; and
 9. Whether the officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code, during the stop.
- D. The chief administrator of a law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, is responsible for auditing reports under Subsection VI.C. to ensure that the race or ethnicity of the person operating the motor vehicle is being reported.
- E. Texas Code of Criminal Procedure Article. 2.134 states that a law enforcement agency shall compile and analyze the information contained in each report received by the agency under Article 2.133. Not later than March 1 of each year, each law enforcement agency shall submit a report containing the incident-based data compiled during the previous calendar year to the Texas Commission on Law Enforcement and, if the law enforcement agency is a local law enforcement agency,

to the governing body of each county or municipality served by the agency. A report required under Subsection VI.E must be submitted by the chief administrator of the law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, and must include:

1. A comparative analysis of the information compiled under Article 2.133 to:
 - a. Evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities;
 - b. Examine the disposition of motor vehicle stops made by officers employed by the agency, categorized according to the race or ethnicity of the affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction; and
 - c. Evaluate and compare the number of searches resulting from motor vehicle stops within the applicable jurisdiction and whether contraband or other evidence was discovered in the course of those searches; and
2. Information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.
3. A report required under this Subsection VI.E. may not include identifying information about a peace officer who makes a motor vehicle stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the reporting of information required under Tex. Code Crim. Proc. Article 2.133.
4. The data collected as a result of the reporting requirements of Tex. Code Crim. Proc. Article 2.133 shall not constitute prima facie evidence of racial profiling.