

**CENTRAL TEXAS COLLEGE  
POLICE DEPARTMENT**

GENERAL ORDER # 500-28

SUBJECT: RACIAL/BIAS-BASED PROFILING

Revised: March 9, 2023

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**I. PURPOSE**

The purpose of this policy is to reaffirm the Central Texas College Police Department's commitment to unbiased policing in all of its 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; and to protect officers from unwarranted accusations of misconduct when they act within the dictates of department policy and law.

**II. POLICY**

This Racial/Bias-Based Profiling Policy is adopted in compliance with the requirements of Articles 2.131 through 2.138, Texas Code of Criminal Procedure, which prohibit Texas peace officers from engaging in racial/bias-based profiling. It is the policy of this department to police in a proactive manner and to aggressively investigate suspected violations of 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 strictly prohibited from engaging in racial/bias-based profiling as defined in this policy. This policy shall be applicable to all persons, whether drivers, passengers or pedestrians.

- 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 and Texas constitutions are equal protection under the law and freedom from unreasonable searches and seizures by government agents. The right of all persons to be treated equally and to be free from unreasonable searches and seizures must be respected. Racial/bias-based profiling is an unacceptable patrol tactic and will not be condoned.
- B. This policy will not preclude officers from offering assistance, such as upon observing a substance leaking from a vehicle, a flat tire, or aiding 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.

**III. DEFINITIONS**

**Racial/Bias-Based Profiling** – A law enforcement-initiated action based on but not limited to, an individual's race, ethnicity, or national origin, gender, sexual orientation, gender identity, religion, economic status, age, cultural group, or any identifiable group or legally protected class, rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity. Racial/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, persons needing assistance, or other citizen contacts.

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**Race or Ethnicity** – For purposes of this policy: Alaska native or American Indian; Asian; Black; Hispanic or Latino; Pacific Islander; and White.

**Subject Stop** – An interaction between a peace officer and an individual who is being stopped for the purposes of an investigation, in which the individual is not under arrest.

**Motor Vehicle Stop** – means an occasion in which a peace officer stops a motor vehicle for an alleged violation of a law or ordinance.

#### IV. PROHIBITION

**Peace officers of the Central Texas College District are strictly prohibited from engaging in racial/bias-based profiling. The prohibition against racial/bias-based 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 suspect or witness 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/bias-based profiling.**

Examples of racial/bias-based profiling include but are not limited to the following:

1. 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, national origin, or because of being perceived as being a member of a specific group or protected class.
2. Detaining the driver of a vehicle based on the determination that a person of that race, ethnicity, national origin, or because of being perceived as being a member of a specific group or protected class which is unlikely to own or possess that specific make or model of vehicle.
3. Stopping an individual for an investigation strictly because of race, ethnicity, national origin, or because of being perceived as a member of a specific group or protected class based on the determination that such does not belong in a specific part of town or a specific place.

A law enforcement agency can derive a principle from the adoption of this policy of Racial/Bias-Based Profiling:

1. Police may not use racial, ethnic, or other identifiable group or protected class stereotypes as factors in selecting whom to stop and search. Police may use race in conjunction with other known factors of the suspect. Racial/bias-based profiling is not relevant as it pertains to witnesses, etc.

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**V. COMPLAINT AND COMPLIMENT PROCESS**

- A. Any person who believes that a peace officer employed by the Central Texas College District has engaged in racial/bias-based profiling with respect to that person may file a complaint with the college, and no person shall be discouraged, intimidated, or coerced from filing such a complaint, or be discriminated against because they have filed such complaint.
- B. Central Texas College District shall accept and investigate citizen complaints alleging racial/bias-based profiling by its peace officers. Such complaints shall be in writing, or the college employee, officer, or official receiving the complaint should reduce the same to writing, and should include the time, place, and details of the incident of alleged racial/bias-based profiling, the identity or description of the peace officer or officers involved, and the identity and manner of contacting the complainant.
- C. Any peace officer, college employee, or college official who receives a citizen complaint alleging racial/bias-based profiling shall forward the complaint to the Chief of Police or other investigative authority designated by the Chief of Police within twelve (12) hours of receipt of the complaint. All such complaints shall be reviewed and investigated by the Chief of Police or other investigative authority within a reasonable period of time, and the results of such review and investigation shall be provided to the complainant, the Police Department and to the Director of Human Resource Management.
- D. In investigating a complaint alleging racial/bias-based profiling, the Chief of Police or the investigative authority designated by the Chief of Police shall seek to determine if the officer who is the subject of the complaint has engaged in a pattern of racial/bias-based profiling that includes multiple acts constituting racial/bias-based profiling for which there is no reasonable, credible explanation based on established police and law enforcement procedures. A single act constituting racial/bias-based profiling may not be considered a pattern of racial/bias-based profiling, and shall not be grounds for corrective action.
- E. Compliments received regarding motor vehicle and subject stops related to racial/bias-based profiling shall be routed to the Chief of Police.
- F. In the event that a complaint of racial/bias-based profiling filed by an individual involves an occurrence that was recorded on audio or video, the Chief of Police or the investigative authority designated by the Chief of Police shall promptly provide a copy of the recording to the peace officer who is the subject of the complaint on written request by the officer.

**VI. CORRECTIVE ACTION**

Any peace officer who is found, after investigation, to have engaged in racial/bias-based profiling in violation of this policy shall be subject to corrective action, which may include reprimand, diversity, sensitivity or other appropriate training or counseling, termination of employment, or other appropriate action as determined by the Chief of Police or the College Administration.

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**VII. PUBLIC EDUCATION**

The police department of the Central Texas College District shall provide education to the public concerning the racial/bias-based profiling and the motor vehicle and subject stop complaint and compliment process. This shall include providing information regarding the complaint and compliment process on each ticket, citation, or warning issued by peace officers. Educational material shall include a telephone number, mailing address, and email address for members of the public to compliment an officer or file a complaint with respect to motor vehicle and subject stop activity.

**VIII. DATA COLLECTION, COMPILATION, AND REPORTING REQUIREMENTS**

- A. For each motor vehicle stop and subject stop, the peace officer involved in the stop shall collect all information in compliance with State of Texas Racial Profiling laws and this policy to include:
1. A physical description of the driver involved in a motor vehicle stop; a physical description of each person involved in a subject stop, including gender and race or ethnicity; and whether the officer knew the person's race prior to contact;
  2. Location of stop;
  3. Reason for stop;
  4. If a search was conducted:
    - the reason for the search,
    - whether the person detained consented to the search,
    - what type of search was conducted,
    - if any contraband or other evidence was found,
    - a description of any contraband or evidence discovered,
    - whether contraband or evidence was in plain view,
    - all probable cause or reasonable suspicion that existed for the search,
    - whether the search was a result of towing a motor vehicle or the arrest of the person stopped.
  5. Final outcome of the stop – citation, arrest, or written warning.
    - If an arrest made:
      - whether the arrest was made pursuant to violation of the Penal Code,
      - whether there was a violation of traffic laws or ordinances, or
      - whether there was an outstanding warrant.
  6. If force was used, was there resulting injury to the subject.

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- B. The motor vehicle stop 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 Central Texas College District no later than March 1 of the following year. 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.
- C. The subject stop information collected shall be compiled into an annual report covering the period of January 1 through December 31 of each year, and shall be submitted to the Police Chief by the designated Sergeant no later than March 1 of the following year.
- D. Annually, by March 1 of each year the department is required to post racial profiling statistics to the Texas Commission of Law Enforcement for the previous calendar year.

**IX. VIDEO AND AUDIO EQUIPMENT**

- A. The Central Texas College Police Department motor vehicles do not have video camera and transmitter-activated equipment used to make motor vehicle stops. Peace officers are not equipped with body worn cameras.

**X. TRAINING**

- A. Each peace officer employed by the Central Texas College District shall complete the comprehensive education and training program on racial profiling established by the Texas Commission on Law Enforcement (TCOLE) 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.
- B. The Chief of Police shall, in completing the training required by Section 96.641, Texas Education Code, complete the program on racial/bias-based profiling established by the Bill Blackwood Law Enforcement Management Institute of Texas.

Chief of Police \_\_\_\_\_

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