

City Marshals Office

SUBJECT: Racial Profiling

Purpose

The purpose of the policy is to reaffirm the Mansfield City Marshals Office commitment to unbiased policing in all its encounters between 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 our officers from unwarranted accusations of misconduct when they act within the dictates of departmental policy and the law.

Policy

It is the policy of this office to do the following;

- A. The City Marshal's office shall transport persons already in custody to and from the Mansfield Law Enforcement Center.
- B. The City Marshal's office shall transport persons already in custody from a point of origin to a point of destination for other recognized law enforcement or detention agencies as provided for per agreement between the city and any such other agency.
- C. The City Marshal's office shall transport and remain with persons requiring hospital treatment who have been officially entered into the jail book of the Mansfield Law Enforcement Center.
- D. In the event of a natural disaster, personnel of the City Marshal's office may be incorporated into the emergency services of the city. When called upon to do so, 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 profiling as defined in this policy. This policy shall be applicable to all persons, whether drivers or passengers.

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

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.

Definitions

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 or other citizen contacts.

The prohibition against 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:

- a. 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.
- b. 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.
- c. 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.

A law enforcement agency can derive at two principles from the adoption of this definition of racial profiling:

1. Police may not use racial or ethnic stereotypes as factors in selecting whom to stop and search, while police may use race in conjunction with other known factors of the suspect.
2. Law enforcement officers may not use racial or ethnic stereotypes as factors in selecting whom to stop and search. Racial profiling is not relevant as it pertains to witnesses, etc.

Race or Ethnicity: Means of a particular descent, including Caucasian, African, Hispanic, Asian, Native American, or Middle Eastern descent.

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

Probable Cause Search: An officer has reasonable grounds to suspect that a person has committed or is committing a crime, or that a place contains specific items connected with a crime, or a search incident to arrest.

Consent Search: A warrantless search after the person who has authority over the property to be searched voluntarily gives consent.

Racial Profiling Training

Officers are responsible to adhere to all Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) training requirements.

All officers shall complete TCLEOSE training and education program on racial profiling not later than the second anniversary of the date the officer is licensed under Chapter 1701 of the Texas Occupations Code 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.

Racial Profiling Complaints

A. The Mansfield City Marshals Office shall accept initial complaints, either by telephone, internet or in person at any Police Department facility. A copy of the Racial Profiling Policy outlining the complaint process will be made available in both English and Spanish that explains how to report incidents of alleged racial profiling. Complaints will be taken from any person who believes he or she has been stopped or searched based on racial, ethnic or national origin profiling. No person shall be discouraged, intimidated or coerced from filing a complaint, nor discriminated against because he or she filed such a complaint.

B. 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). Any employee contacted shall provide to that person the department process for filing a complaint. All employees will report any allegation of racial profiling to their superior before the end of their shift.

C. Once a formal complaint is filed in person with the Internal Affairs Division (IAD), IAD is charged with conducting a thorough, systematic, unbiased, and expedient

administrative investigation into allegations of misconduct. All complaints will be acknowledged in writing to the initiator who will receive disposition regarding said complaint within a reasonable period of time. The investigation shall be reduced to writing and any reviewer's comments or conclusions shall be filed with the Chief Administrator. When applicable, findings and/or suggestions for disciplinary action, retraining, or changes in policy shall be filed with the Chief Administrator.

D. If a racial profiling complaint is sustained against an officer, it will result in appropriate corrective and/or disciplinary action, up to and including termination.

E. If there is a departmental video or audio recording of the events upon which a complaint of racial profiling is based, upon commencement of an investigation by this department into the complaint and written request of the officer made the subject of the complaint, this department shall promptly provide a copy of the recording to that officer.

Public Education

The Mansfield City Marshals Office will inform the public of its policy against racial profiling and the complaint process. Methods that may be utilized to inform the public are the news media, radio, service or civic presentations, the Internet, as well as governing board meetings. Additionally, information will be made available as appropriate in languages other than English.

Data Collection & Reporting

Article 2.132 of the Texas Code of Criminal Procedure defines a Law Enforcement Agency as an agency of the state, 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. The following will apply to data collection and reporting requirements for the City Marshals Office.

1. It is not the policy of the City Marshals Office to make motor vehicle stops in the routine performance of the officer's official duties.
2. the City Marshals Office qualifies for a full exemption to racial profile data collection.
3. the Chief Administrator will be required by March 1st of each year, to submit a report reflecting the full exemption to racial profile reporting from the preceding calendar year to:
 - A. the Commission on Law Enforcement Officer Standards and Education; and
 - B. the governing body of the municipality served by the agency.

The report will reflect the City Marshals Office does not make motor vehicle stops in the routine performance of the officers' official duties.

Use of Mobile Video/Audio Recording Equipment

The Mansfield City Marshals Office is able to claim a Full Exemption to Racial Profile Data Collection and Reporting. Officers do not make motor vehicle stops in the routine performance of the officers' official duties and vehicles assigned to the City Marshals office are not required to be equipped with video/audio recording equipment.