

RACIAL PROFILING POLICY
OF
CITY OF NATALIA, TEXAS

I. Policy and Purpose

This Racial Profiling Policy is adopted in compliance with the requirements of Articles 2.131 through 2.136, Texas Code of Criminal Procedures, which prohibits Texas peace officers from engaging in racial profiling.

II. Definitions

- a. 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.
- b. Race or Ethnicity: means of a particular descent including Caucasian (White), African American (Black), Hispanic, Asian, Middle Easterner or Native American descent.
- c. Acts Constituting Racial Profiling: are acts initiating law enforcement actions, such as a motor vehicle 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.
- d. Pedestrian Stop: means an intersection between a peace officer and an individual who is being detained for the purposes of a criminal investigation in which the individual is not under arrest.
- e. Motor Vehicle Stop: means the stopping of a motor vehicle by a peace officer for an alleged violation of law or ordinance regulating traffic.

III. Prohibition

Peace officers of the City of Natalia 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 peace officer. Race, ethnicity, or national origin may be legitimate factors in such a decision when used as part of a description of a suspect or witness for whom a peace officer is searching.

IV. Compliant Process and Public Education

Any person who believes that a peace officer employed by the City has engaged in racial profiling with respect to that person may file a complaint with the City, and no person shall be discouraged, intimidated, or coerced from filing such a complaint, or be discriminated against because they have filed such a complaint.

The City shall accept and investigate complaints from any person who believes he or she has been stopped or searched based on racial, ethnic or national origin profiling by its peace officers. Such complaints shall be in writing, or the city 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 profiling, the identify or description of the peace officer or officers involved, and the identity and manner of contacting the complainant.

Any peace officer, city employee, or city official that receives a citizen complaint alleging racial profiling shall forward the complaint to Chief of Police within 12 hours of receipt of the complaint. Receipt of each complaint shall be acknowledged to the complainant in writing, all such complaints shall be reviewed and investigated by the Chief of Police within a reasonable period of time, and the results of the Chief's review and investigation shall be filed within the department and with the complainant.

In investigating a complaint alleging racial profiling, the Chief of Police shall seek to determine if the officer who is subject of the complaint 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. A single act constituting racial profiling may not be considered a pattern of racial profiling, and may not be grounds for corrective action.

In the event that a complaint of racial profiling filed by an individual involves an occurrence that was recorded on audio or video, the Chief of Police shall, upon commencement of the investigation of the complaint and upon written request of the officer, promptly provide a copy of the recording to the peace officer that is a subject of the complaint.

The police department of the City of Natalia shall provide education to the public concerning the racial profiling complaint process. A summary of the public education efforts made during the preceding year shall be included with the annual report filed with the governing body of the City of Natalia and to TCLEOSE under Part VI below.

V. Corrective Action

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

VI. Collection of Information and Annual Report when Citation Issued or Arrest Made

For each motor vehicle stop in which a citation is issued and for each arrest resulting from such motor vehicle stops, a peace officer involved in the stop shall collect information identifying the race or ethnicity of the person detained, whether the officer know the race of the individual stopped prior to detaining the suspect, stating whether a search was conducted, and if a search was conducted, whether the person detained consented to the search.

The 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 City of Natalia and TCLEOSE not 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.

TCLEOSE is authorized to initiate disciplinary procedures against the Chief of Police if the Police Department intentionally fails to submit the annual report.

VII. Audio and Video Equipment

- (a) The Chief of Police of the City of Natalia shall, immediately upon enactment of this policy, commence examination of the feasibility of installing video camera equipment and transmitter-activated in each City motor vehicle regularly used to make motor vehicle stops, and transmitter-activated equipment in each City motorcycle regularly used to make motor vehicle stops, and shall report to the governing body of the City of Natalia on the findings of such examination no later than six months following enactment of this policy. The report shall include funding options available to the City, including any funding available through the Department of Public Safety.
- (b) In the event that the findings of such examination support the installation of such equipment, the governing body shall consider and take action on installing the equipment, applying of funding to secure and install such equipment, or such other action as the governing body considers appropriate. In the event the examination does not support installing such

equipment, the Chief of the City shall periodically update the governing body on such feasibility.

- (c) In the event that the governing body determines that funds are needed in order to install the equipment, it shall pass a resolution certifying that fact to the Department of Public Safety. On receipt of either sufficient funds or video and audio equipment, the governing body shall install video and transmitter-activated equipment in each motor vehicle regularly used to make motor vehicle stops, and shall install transmitter-activated equipment on each motorcycle regularly used to make motor vehicle stops, and the governing body shall pass a resolution certifying to the Department of Public Safety that such equipment has been installed and is being used to record each motor vehicle stop made by a peace officer employed by the City that is capable of being recorded by video and audio or audio equipment, as appropriate.

VIII. Review of Video and Audio Documentation-Standards

In the event that audio and video equipment is installed, each audio and video recording shall be retained for a minimum period of ninety (90) days unless a complaint is filed alleging that a peace officer of the City has engaged in racial profiling with respect to a motor vehicle stop, in which case the recording shall be retained until final disposition of the complaint.

In conjunction with preparation of the annual report required under part VI above, the Chief of Police shall periodically conduct reviews of a randomly-selected sampling video and audio recordings made recently by each peace officer employed by the City in order to determine if patterns of racial profiling exists. This review will be conducted at least once every ninety (90) days.

In reviewing audio and video recordings, the Chief shall seek to determine if the officer who is involved therein 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. A single act constituting racial profiling may not be considered a pattern of racial profiling, and shall not be grounds for corrective action.

IX. 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 made, and so long as the City of Natalia has not equipped all motor vehicles and motorcycles regularly used to make motor vehicle 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 motor vehicle stop:

- (1) a physical description of each person detained as a result of the stop, including:
 - (A) the person's gender; and
 - (B) 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 his or her ability;
 - (2) the initial reason for the stop;
 - (3) whether the officer know the race or ethnicity of the person stopped prior to the stop;
 - (4) whether the officer conducted a search as a result of the stop, and, if so, whether the person detained consented to the search;
 - (5) whether any contraband or other evidence was discovered in the course of the search and the type of contraband or other evidence discovered;
 - (6) whether probable cause to search existed and the facts supporting the existence of that probable cause;
 - (7) whether the officer made an arrest as a result of the stop or the search, including at statement of the offense charged;
 - (8) the street address or approximate location of the stop; and
 - (9) whether the officer issued a warning or a statement of the violation charged.
- (b) 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 governing body of the City of Natalia no later than March 1 of the following year. Each such report shall include:
- (1) a comparative analysis of information compiled by each officer under Part IX(a)(1)-(8) to:
 - A. determine the prevalence of racial profiling by peace officers employed by the City; and
 - B. examine the disposition of motor vehicle stops made by officers employed by the City, including searches resulting from such stops; and
 - (2) information relating to each complaint filed with the City alleging that a peace officer employed by the City had engaged in racial profiling.

© The report required by this Part IX may not include identifying information about a peace officer that makes a motor vehicle stop or about an individual who stopped or arrested by an officer.

(c) The compilation of information, analysis, and report required by this Part IX shall not be required for any calendar year during which (1) the City has equipped all motor vehicles and motorcycles regularly used to make motor vehicle stops with audio and video equipment, and each motor vehicle stop made by a peace officer employed by the City that is capable of being recorded by video and audio or audio equipment, as appropriate, has been so recorded; or)2) the City has certified to the Department of Public Safety that it needs funds for such audio and video equipment, as described in Part VII© above, but has not received such funds.

X. Peace Officer and Police Chief Training

(a) Each peace officer employed by the City shall completed the comprehensive education and training program on racial profiling established by the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) no later than the second anniversary of the date the officer was licensed, 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 no later than September 1, 2014.

(b) The Chief of Police shall, in completing the training required by Section 96.641, Texas Education Code, complete the program on racial profiling establishing by the Bill Blackwood Law Enforcement Management Institute of Texas.

Revised: 02/06/2014

**Informing the Public on the Process of Filing a
Complaint with:
The City of Natalia Police Department**

(I) Educational Campaign:

In accordance to Senate Bill 1074, the Natalia Police Department has made significant efforts to launch an educational campaign aimed at informing the public on issues relevant to the complaint process. Special emphasis has been placed on informing community members on filing a complaint relevant to racial profiling practices.

The staff of the Natalia Police Department has posted a series of newsletters where community members have been informed on efforts being made by the Police Department to continue prohibiting racial profiling practices among its Officers.

**(II) Filing a Complaint Based on Violations of the Texas
Law on Racial Profiling**

UNDERSTANDING THE PROCESS

Once an individual has filed a complaint regarding racial profiling, he/she should expect the following process to commence:

THE INTERVIEW

The Chief of Police will interview the individual filing the complaint. The Chief of Police will ask the alleged victim questions about what happened. It is possible that the Chief of Police may be able to explain the Officer(s)' actions to your satisfaction.

- The alleged victim will be interviewed at the Police Department's Main Building. It is possible that he/she may be videotaped during the interview.
- The individual filing the complaint may bring a lawyer, family member or friend to the interview.
- The Chief of Police will ask the individual filing a complaint for the names of witnesses and other Police Officers that may know facts about the complaint.
- A Police photographer may take pictures of any injuries that the alleged victim think are related to the complaint.

THE INVESTIGATION

After, the interview, the Natalia Police Department will investigate the alleged misconduct. Investigators will talk to witnesses and visit the site of the incident.

- All Officers will be interviewed and witnesses whom the alleged victim has named will be contacted and interviewed, if they agree.
- A report will then be prepared.

THE REVIEW PROCESS

The Police Chief reviews every complaint after the investigation is completed and a report is written.

- If the complaint includes excessive force or charges an officer with a crime, it will also be reviewed a Review Board (RB)
 - The RB will review your complaint, statements from all witnesses and reports from the investigation. The RB may ask for additional information before making its recommendations to the Police Chief.
 - The results of investigations that suggest there are no charges that the Police Officer used excessive force or committed a crime are also reviewed by the Police Chief,
 - The Police Chief reviews investigations and makes the final decision on all complaints.
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THE FINDINGS

The results of your complaint are called “findings”. There are four possible findings:

- **Sustained-** The complaint has been supported: The Officer(s) involved acted improperly and may be disciplined.
- **Unfounded-** The investigation found no basis to the complaint filed.
- **Exonerated-** The Police Officer(s) involved acted properly and will not be disciplined; or
- **Not provable-** There was not enough evidence to prove the complaint true or false so no further action will be taken.

The Police Chief will decide on a finding after the complaint has been reviewed.

(III) A COMMITMENT TO RESPOND TO THE NEEDS OF THE COMMUNITY

The Natalia Police Department has made a commitment to its citizens regarding the following:

1. The department shall accept complaints 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.
2. 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 a employees will report any allegation of racial profiling to their superior before the end of their shift.
3. Investigation of a complaint shall be conducted in a thorough and timely manner. The investigation shall be reduced to writing and any reviewer’s comments or conclusions shall be filed with the Chief. When applicable, findings, and/or suggestions for disciplinary action, up to and including termination.
4. 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.

5. 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.