

	<i>Bells Independent School District</i>		
	<i>Police Department</i>		
	Bias Based Policing		
	Policy: 4.0	Replaces: N/A	
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Approved: _____ Chief of Police			

I. POLICY STATEMENT

We are committed to a respect for constitutional rights in the performance of our duties. Our success is based on the respect we give to our communities, and the respect members of the community observe toward law enforcement. To this end, 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. Although it is true that all people carry biases, in law enforcement the failure to control our biases can lead to illegal arrests, searches, and detentions, thus thwarting the mission of our department. Most importantly, actions guided by bias destroy the trust and respect essential for our mission to succeed. We live and work in communities very diverse in population. Respect for diversity and equitable enforcement of the law are essential to our mission.

All enforcement actions -- particularly stops of individuals for traffic and other violations, investigative detentions, arrests, searches, and seizures of persons or property -- 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, any other identifiable group, or based on racial or ethnic stereotypes. Officers shall base all of their actions on a reasonable suspicion that the person or an occupant of a vehicle committed an offense. Officers of the Bells ISD Police Department are strictly prohibited from initiating any action that constitutes racial or bias based policing.

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

II. PURPOSE

The purpose of this order is to provide general guidance on reducing the presence of bias in law enforcement actions, to identify key contexts in which bias may influence these actions, and emphasize the importance of the constitutional guidelines within which we operate.

III. DEFINITIONS

Most of the following terms appear in this policy statement. In any case, these terms appear in the larger public discourse about alleged biased enforcement behavior and in other orders. These definitions are intended to facilitate on-going discussion and analysis of our enforcement practices.

- 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 decent, 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: Articulate, 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.
- K. Motor Vehicle Stop: An occasion in which an officer stops a motor vehicle for an alleged violation of a law or ordinance.

IV. PROCEDURES

A. General Responsibilities

1. Officers are prohibited from engaging in bias based policing 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 part of reasonable suspicion or probable cause when officers are seeking a suspect with one or more of these attributes.

2. Investigative detentions, motor vehicle stops, arrests, searches, and property seizures by officers will be based on a standard of reasonable suspicion or probable cause in accordance with the Fourth Amendment of the U.S. Constitution. Officers must be able to articulate specific facts and circumstances that support reasonable suspicion or probable cause for investigative detentions, motor vehicle stops, subject stops, arrests, nonconsensual searches, and property seizures. Except as provided in number 3 below, officers shall not consider race/ethnicity in establishing either reasonable suspicion or probable cause. Similarly, except as provided below, officers shall not consider race/ethnicity in deciding to initiate even those nonconsensual encounters that do not amount to legal detentions or to request consent to search.
3. Officers may take into account the reported race or ethnicity of a specific suspect or suspects based on trustworthy, locally relevant information that links a person or persons of a specific race/ethnicity to a particular unlawful incident(s). Race/ethnicity can never be used as the sole basis for probable cause or reasonable suspicion. Except as provided above, race/ethnicity reasonable suspicion or probable cause shall form the basis for any enforcement actions or decisions. Individuals shall be subjected to stops, seizures, or detentions only upon reasonable suspicion that they have committed, are committing, or are about to commit an offense. Officers shall document the elements of reasonable suspicion and probable cause in appropriate reports.
4. Officers shall observe all constitutional safeguards and shall respect the constitutional rights of all persons.
 - a. As motor vehicle stops furnish a primary source of bias related complaints, officers shall have a firm understanding of the warrantless searches allowed by law, particularly the use of consent. How the officer disengages from a motor vehicle stop may be crucial to a person's perception of fairness or discrimination.
 - b. Officers shall not use the refusal or lack of cooperation to justify a search of the person or vehicle or a prolonged detention once reasonable suspicion has been dispelled.
5. All officers shall treat everyone with the same courtesy and respect that they would have others treat them. To this end, officers are reminded that the exercise of courtesy and respect engenders a future willingness to cooperate with law enforcement.
 - a. Officers shall facilitate an individual's access to other governmental services whenever possible, and shall actively provide referrals to other appropriate agencies.
 - b. All officers shall courteously accept, document, and forward to the Chief of Police any complaints made by an individual against the department. Further, officers shall provide information on the complaint process and shall give copies of our "Citizen Complaint Process" brochure when appropriate.
6. When feasible, officers shall offer explanations of the reasons for enforcement actions or other decisions that bear on the individual's well-being unless the explanation would undermine an investigation or jeopardize an officer's safety.
7. When concluding an encounter, officers shall thank him or her for cooperating. When feasible, all officers shall identify themselves by name. When a person requests the information, officers shall give their departmental identification number, name of their immediate supervisor, or any other reasonable information.

8. All officers are accountable for their actions, and shall justify their actions when required.

B. Disciplinary Consequences

Appropriate corrective/disciplinary action, up to and including termination, will be taken against any officer who, after investigation, is shown to have engaged in actions prohibited by this policy.

C. Training

Officers shall be responsible for completing all training required by the Department, and by state law regarding bias-based profiling.

V. PUBLIC INFORMATION

The Department will provide public education relating to its compliment and complaint process, including providing the telephone number, mailing address, and e-mail address to make a compliment or complaint with respect to each ticket, citation, or warning issued by an officer. This notice will be provided via the District website. [CCP 2.132 (b) (4)]

VI. DATA COLLECTION

- A. Pursuant to state law, officers are required to collect information relating to all motor vehicle stops in which an arrest is made or a citation, or warning is issued documenting the following required data: [CCP 2.132 (b)]

1. the race or ethnicity of the individual detained;
2. whether or not a search was conducted;
3. whether or not the search was conducted by consent, and
4. whether the officer knew the race or ethnicity of the individual detained before detaining that individual;
5. 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;
6. the location of the stop; and
7. the reason for the stop.

- B. To ensure that data related to biased/racial profiling is collected in accordance with state law and department policy, the following procedures shall be followed;

1. For all motor vehicle stops that result in an arrest of the driver, the officer who initiated the stop shall issue the driver a citation or warning citation for the violation.
2. For all motor vehicle stops that result in an arrest of a passenger, the officer who initiated the stop shall complete a Field Interview (FI) card.
3. When completing citations, warning citations, or FI cards, officers are required to complete all pertinent information fields with special attention placed upon fields related to biased/racial profiling data.
4. The Chief of Police is responsible for verifying that arrests resulting from motor vehicle stops are properly documented.

VII. REPORTING

- A. The Chief of Police shall submit an annual report of any information collected as required by state law to: [CCP 2.132 (b)]
 - 1. the Texas Commission on Law Enforcement; and
 - 2. to the Superintendent of the Bells Independent School District who makes the report available to the School Board.

VIII. COMPLAINT PROCESS

- A. Any individual who believes that an officer employed, or an officer working in any capacity on behalf of this department has engaged in conduct that may constitute racial or bias based policing with respect to the individual, may file a complaint with the Chief of Police or the School District Superintendent.
- B. The complaint will be received, processed, investigated, and adjudicated in accordance with applicable BISD Police Department policies and procedures