

INGLESIDE POLICE DEPARTMENT

Office: 361-776-2531

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Chief Stan Bynum

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Racial Profiling Policy

I. Policy

Peace officers of the City of Ingleside 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 for whom a peace officer is searching.

II. Purpose

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

III. Definitions

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. The term is not relevant as it pertains to witnesses, complainants, persons needing assistance, or other citizen contacts.

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

Acts Constituting Racial Profiling: are acts initiating law enforcement action, such as a traffic 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.

Pedestrian Stop: means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.

Traffic Stop: means the stopping of a motor vehicle by a peace officer for an alleged violation of law or ordinance regulating traffic.

IV. Citation Data Collection & Reporting

A. Collection: An officer is required to collect information relating to traffic stops in which a citation is issued. On the citation officers must include:

- a. the violator's race or ethnicity;
- b. whether a search was conducted;
- c. was the search consensual; and
- d. arrest for this cited violation or any other violation.

B. Reporting: The Central Records Manager shall collect all required data from citizens for the purpose of preparing annual reports required by State law. By March of each year, the Chief of Police shall submit a report to the city council that includes information gathered by the citations. The report will include:

- a. a breakdown of citations by race or ethnicity;
- b. number of citations that resulted in a search;
- c. number of searches that were consensual; and
- d. number of citations that resulted in custodial arrest for this cited violation or any other violation.

Note: Texas Penal Code 37.08: A person commits an offense if with intent to deceive, he or she knowingly makes a false statement that is material in a criminal investigation and makes the statement to a peace officer conducting the investigation. An offense under this section is a Class B Misdemeanor punishable by a fine not to exceed \$2000 or 180 days in jail, or both such fine and jail.

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V. Use of Video and Audio Equipment

Each motor vehicle regularly used by this department to make traffic and pedestrian stops is equipped with a video camera and transmitter-activated equipment. Each traffic and pedestrian stop made by an officer of this department that is capable of being recorded by video and audio shall be recorded. This department shall retain the video and audiotapes for a least ninety (90) days after the date of the stop. If a complaint is filed with this department alleging that an officer has engaged in racial profiling with respect to a traffic or pedestrian stop, this department shall retain the video and audiotapes until the final disposition of the complaint. Supervisors will ensure officers of this department are recording their traffic and pedestrian stops. A recording of each officer will be reviewed by the Chief of Police at least once every ninety (90) days.

VI. Complaint Process

Any person may file a complaint with the department if the individual believes an officer has engaged in racial profiling with respect to the individual filing the complaint. The department shall accept and investigate citizen complaints alleging racial profiling by its peace officers. Such complaints shall be in writing, and should include the time, place and details of the incident of alleged racial profiling, the identity or description of the officer or officers involved, the identity and manner of contacting the complainant, and the signature of the complainant. All such complaints shall be reviewed and investigated by the Internal Affairs Investigator within a reasonable period of time, and the results of the Investigator's review and investigation shall be filed with the Chief of Police and with the complainant. In investigating a complaint alleging the racial profiling, the investigator shall seek to determine if the officer who is the 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, but may be grounds for corrective action. 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. In the event that a complaint of racial profiling filed by an individual involves an occurrence that was recorded on audio or video, the investigator 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 officer that is the subject of the complaint.

VII. Public Education

This department 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, service or civic presentations, the internet, or informational publications.

VIII. Effective Date

Any previous directive, rule, order or regulation that pertains to this subject matter and its amendments shall remain in full force and effect for any violations which occur prior to the effective date of this order. If any section, sentence, clause or phrase of this Order is, for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Order. The effective date is 1/1/02

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Report of Employee Misconduct/Substandard Service/Racial Profiling

Type of complaint indicate misconduct/service/racial profiling: _____

Name of complainant: _____

Address of complainant: _____

Phone number of complainant: _____

Place of employment: _____

Name of employee: _____

Case number _____

Date and time of alleged incident: _____

Date and time of report: _____

Incident Details

Sworn and subscribed to this the _____ day of _____, 20_____.

Signature of Complainant: _____

Notary Public or Peace Officer, State of Texas: _____

My commission expires: _____

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