

KILLEEN POLICE DEPARTMENT GENERAL ORDERS, POLICIES AND PROCEDURES

Part B – Enforcement Operations

Title: **Bias Based Policing and Racial Profiling**

Document: **B102.7**

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.01 Purpose

The purpose of this policy is to clearly establish the Killeen Police Department's commitment to unbiased policing in all encounters between officers and all members of the public, to reinforce procedures that serve to ensure public confidence and mutual trust through fair and equitable services, and to protect officers from unwarranted accusations of misconduct when they act within department policy and the law. This policy is adopted in compliance with the requirements of Articles 2.131 through 2.132 of the Texas Code of Criminal Procedure, which prohibits racial profiling by Texas peace officers.

.02 Definitions

- A. *Bias based policing*: 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. The term pertains to persons who are viewed as suspects or potential suspects of criminal behavior, and is not relevant as it pertains to witnesses, complainants or other citizen contacts.
- B. *Race or ethnicity*: means the following categories: Alaska native or American Indian, Asian or Pacific Islander, Black, White, Hispanic or Latino.
- C. *Traffic stop*: the stopping of a motor vehicle by a peace officer for an alleged violation of law or ordinance.
- D. *Acts constituting bias based policing*: acts initiated by law enforcement action, such as a traffic stop, detention, search, issuance of a citation, or an arrest based solely on 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.

.03 Prohibition

1.2.9a

All peace officers of the City of Killeen are strictly prohibited from engaging in bias based policing as defined in this policy. This prohibition includes, but is not limited to, traffic contacts, field contacts, and asset and forfeiture efforts. The prohibition against biased based policing does not preclude officers from offering assistance to citizens, nor does it prohibit stopping someone suspected of a crime based upon observed actions and/or information received about the person, regardless of race, ethnicity or national origin. Bias based policing is an unacceptable policing tactic and will not be condoned.

.04 Complaint Investigation

- A. 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. No person shall be discouraged, intimidated or coerced from filing a complaint, nor discriminated against because he or she filed such a complaint.
- B. When an allegation of bias based policing is made, an initial review will be conducted in compliance with the complaint process outlined in General Order A109, Internal Affairs. If a preliminary review indicates bias based policing may have occurred, a signed written complaint and the initial review information will be forwarded to the Internal Affairs Unit for subsequent investigation. The complainant shall be given, at a minimum, the name of the IA Lieutenant to speak with and telephone number for Internal Affairs office.
- C. In order to initiate an investigation, a signed, written complaint must be submitted, either by

the complainant or an employee notified by the complainant. Where an employee completes the written complaint, the following information must be included on the Personnel Complaint Form:

1. The time, place and details of the alleged incident;
 2. The identity or description of the officer involved; and
 3. The identity of the complainant; and a manner of contacting the complainant.
- Complaints will be accepted by mail.

- D. Investigation of a complaint shall be conducted in a thorough and timely manner. Receipt of each complaint shall be acknowledged to the complainant in writing. All such complaints shall be reviewed and investigated by the Internal Affairs Unit within a reasonable period of time, and the results of the review and investigation shall be filed with the Chief and with the complainant.
- E. In the event that a complaint of bias based policing filed by a complainant involves an occurrence that was recorded on video or audio, the Internal Affairs Unit 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.

.05 Corrective Action

1.2.9c

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

.06 Public Information

The Killeen Police Department shall provide education and information to the public concerning the department's bias based policing policy and the complaint process. The department's policy will be incorporated into the department's website and into civic presentations, where applicable. The department may also utilize the news media and Internet as needed.

.07 Citation Data Collection & Reporting

- A. For each traffic stop in which a ticket, citation, or warning is issued and to arrests made as a result of those traffic stops the officer involved in the stop shall collect the following information:
1. The person's gender.
 2. 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 the officer's ability.
 3. The initial reason for the stop.
 4. The location of the stop.
 5. Whether the officer knew the race or ethnicity of the individual detained before detaining that individual.
 6. Whether the officer conducted a search as a result of the stop, and if so, whether the person detained consented to the search.
 7. Whether any contraband or other evidence was discovered in the course of the search and a description of the contraband or evidence.
 8. The reason for the search, including whether:
 - (a) Any contraband or other evidence was in plain view.
 - (b) Any probable cause or reasonable suspicion existed to perform the search.
 - (c) The search was performed as a result of the towing of the motor vehicle or the arrest of any person in the motor vehicle.
 9. Whether the officer made an arrest as a result of the stop or the search, including a statement of whether the arrest was based on a violation of the penal code, a violation of the traffic law or ordinance, or an outstanding warrant and a statement of the offense charged.

10. Whether the officer issued a written warning or a citation as a result of the stop.
11. Whether the officer used physical force that resulted in bodily injury during the stop.
This data is collected through information required to be posted in citations and in arrest documentation.

- B. Annually, the Internal Affairs Unit will conduct an administrative review of the department's practices, including citizen concerns, to ensure an open communication is maintained with the community. The IA Lieutenant will obtain input from the Assistant Chief of Police, Intelligence Unit, the Public Affairs Office and Division Commanders. **1.2.9c**
- C. Information collected from January 1 through December 31 of each year shall be compiled in an annual report and submitted to the Texas Commission on Law Enforcement and the Killeen City Council 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 any identifying information about any peace officer involved in a stop or arrest.

.09 Training

1.2.9b

- A. All officers shall complete a training and education program on racial profiling no later than the second anniversary from the date the officer is licensed under Chapter 1701 of the Texas Occupations Code.
- B. All officers shall complete training annually on biased based policing. A training module will be included in the department's annual training. The module may cover profiling areas such as, field contacts, traffic stops, search issues, asset seizure and forfeiture, interview techniques, cultural diversity, discrimination, legal aspects, and community support.
- D. The Chief, as part of continued education, shall attend training as mandated by the Texas Legislature for Chiefs of Police for cities with a population greater than 100,000.

.10 Use and Review of Audio and Video Equipment – See Standard Operating Procedure PTL-19

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