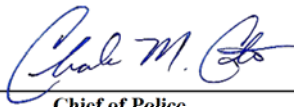
	MESQUITE POLICE DEPARTMENT
	229.00 BIAS BASED POLICING
	Effective Date: January, 2019
	Approved: _____  Chief of Police

I. Purpose

The purpose of the policy is to reaffirm the Mesquite Police Department's commitment to unbiased policing in all its encounters between officers 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.

II. Policy Statement

It is the policy of the Mesquite Police Department to police in a proactive manner and aggressively investigate suspected violations of law. Officers shall actively enforce municipal, 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, passengers or pedestrians.

Officers shall conduct themselves in a dignified and respectful manner at all times when dealing with the public. 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 tolerated.

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.

III. Definitions

- A. Bias based profiling – a law enforcement initiated action based on race, ethnicity, gender, sexual orientation, religion, economic status, age, cultural group, national origin or any other identifiable group.
- B. 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.
- C. Race or Ethnicity – Of a particular descent, including Caucasian, African, Hispanic, Asian/Pacific Islander, or Native American.
- D. Pedestrian Stop – An interaction between a peace officer and an individual who is detained for the purpose of a criminal investigation in which the individual is not under arrest.
- E. Motor Vehicle Stop – An occasion in which a peace officer stops a motor vehicle for an alleged violation of a law or ordinance.

IV. Training

- A. Officers are responsible to adhere to all Texas Commission on Law Enforcement (TCOLE) training and the Law Enforcement Management Institute of Texas (LEMIT) requirements as mandated by law.
 - B. All officers shall complete a TCOLE 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.
- V. Complaints and 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 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. Citizens who wish to file a complaint regarding an allegation of racial profiling against an employee of the department will be referred to the Station Sergeant. When the Station Sergeant is not available, citizens will be referred to any supervisor. Any employee contacted in regards to a racial profiling complaint shall provide to that person department information regarding the process for filing a complaint.
 - C. Investigation of a complaint shall be conducted in a thorough and timely manner. 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. When applicable, findings and/or suggestions for disciplinary action, retraining, or changes in policy shall be filed with the chief.
 - 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.
- VI. Public Education
 - A. This department will inform the public of its policy against racial profiling and the complaint process. This information will be available to the public in the police department lobby and on the City of Mesquite web page. Additionally, information will be made available as appropriate in languages other than English.
 - B. Information relating to the complaint process will include the telephone number, mailing address, and email address used to make a compliment or complaint with respect to each ticket, citation, or warning issued by a peace officer.
- VII. Data Collection, Analysis, and Reporting
 - A. An officer who stops a motor vehicle for an alleged violation of a law or ordinance shall record and report the following information related to the stop:
 - 1. A physical description of any person operating the motor vehicle who is detained as a result of the stop, including:
 - a. the gender of the individual detained; and
 - b. the race or ethnicity of the individual detained (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);
 - 2. Whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual;
 - 3. The initial reason for the stop (i.e. warrant, observed traffic violation, call for service, known criminal association, etc.);
 - 4. Whether the officer conducted a search as a result of the stop and, if so, whether the person consented to the search;

5. Whether any contraband or other evidence was discovered in the course of the search and a description of the contraband or evidence;
 6. The reason for the search including whether;
 - a. any contraband or other evidence was in plain view;
 - b. any probable cause or reasonable suspicion that existed to perform the search; or
 - 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;
 7. 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 Penal Code, a violation of traffic law or ordinance, or an outstanding warrant and a statement of the offense charged;
 8. The street address or approximate location where the motor vehicle stop occurred;
 9. Whether the officer issued a verbal warning or a citation as a result of the stop; and
 10. 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.
- B. Each officer who initiates a motor vehicle stop is required to complete the online traffic stop form documenting the required information prior the end of the tour of duty in which the stop was made.
- C. Annually, the motor vehicle traffic stop data shall be reviewed to identify any improvements to be made in practices and policies regarding motor vehicle stops.
- D. Not later than March 1st of each year, an annual report of the collected data will be completed and submitted to the Mesquite City Council and The Texas Commission on Law Enforcement (TCOLE). The report will include:
1. A comparative analysis of the information compiled to:
 - a. evaluate and compare the number of motor vehicle stops of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities;
 - b. examine the disposition of motor vehicle stops made by officers, categorized according to the race or ethnicity of the affected persons, as appropriate, including any searches resulting from stops; and
 - c. evaluate and compare the number of searches resulting from motor vehicle stops and whether contraband or other evidence was discovered in the course of those searches.
 2. Information relating to each complaint filed alleging that a peace officer employed by the agency has engaged in racial profiling.

III. Use of Video and Audio Equipment

Each patrol officer will be equipped with a body worn camera and all law enforcement motor vehicles regularly used by Mesquite Police Department officers to make traffic stops will be equipped with an in-car 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 will be recorded. This department shall retain the video or the audio of each traffic and pedestrian stop for at least ninety (90) days after the date of the stop. If a complaint is filed with this department alleging that one of our officers has engaged in racial profiling with respect to a traffic or pedestrian stop, this department shall retain the video and audio of the stop until final disposition of the complaint. Supervisors will ensure officers of this department are recording their traffic and pedestrian stops. Supervisors will randomly review video and audio to ensure compliance with this policy.

EFFECTIVE: January, 2002; FORMERLY: 230.00; REVISED: August, 2003; REVISED: August, 2011;
REVISED: March, 2013; REVISED: December, 2013; REVISED: January, 2019