

(Tier 1) Partial Exemption Racial Profiling Reporting

Agency Name: Fort Bend Independent School District Police Department

Reporting Number: 157902

Chief Administrator: David Rider, MS.

Agency Contact Information: Larry Brown, Compliance Officer
281-634-5500

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Fort Bend ISD Police Department
13600 Murphy Rd.
Stafford, Texas 77477

This agency claims partial racial profiling report exemption because:

In accordance with 2.135(a)(2) the agency has requested and not received funds to install the recording equipment

Video and Audio Equipment Exemption

Partial Exemption Claimed by (2.135(a) CCP):

all cars regularly used for motor vehicle stops are equipped with video camera and transmitter-activated equipment and each motor stop is recorded and the recording of the stop is retained for at least 90 days after the stop.

OR

In accordance with 2.135(a)(2) the agency has requested and not received funds to install the recording equipment

I claim this exemption



01/30/2012

Chief Administrator

Date

**Fort Bend Independent School District
Police Department
General Orders Manual**

GO 2.01

Bias Based Profiling



I. General Order

The purpose of the policy is to reaffirm the Fort Bend I.S.D. Police Department's commitment to unbiased policing in all its encounters between officer 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. ([See Texas CCP 2.132 Law Enforcement Policy on Racial Profiling](#))

It is the policy of this Department to police in a proactive manner and, to aggressively investigate suspected violations of law. Officers shall actively enforce 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 biased based 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. Two of the fundamental rights guaranteed by both the United States and Texas constitutions are equal protection under the law and freedom from unreasonable searches and seizures by government agents. The right of all persons to be treated equally and to be free from unreasonable searches and seizures must be respected. Biased based profiling is an unacceptable law enforcement tactic and will not be condoned. ([See Texas CCP 2.131 Racial Profiling Prohibited](#))

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.

II. Definitions

- A. **Bias Based Profiling:** A law enforcement-initiated action based on an individual's race, ethnicity, background, gender, sexual orientation, religion, economic status, age, culture, or other personal characteristics, rather than due to the observed behavior of the individual, or on information identifying the individual as having engaged in criminal activity.

Biased based 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 biased based profiling does not preclude the use of race, ethnicity or national origin as 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 are biased based profiling. Examples of biased based profiling include but are not limited to the following:

General Order: 2.01 Bias Based Profiling

II. Definitions

A. Bias Based Profiling: (Cont.)

1. Citing a driver who is speeding in a stream of traffic where most other drivers are speeding because of the cited driver's race, ethnicity or national origin.
2. Detaining the driver of a vehicle based on the determination that a person of that race, ethnicity or national origin is unlikely to own or possess that specific make, or model, of vehicle.
3. Detaining an individual based on the determination that a person of that race, ethnicity or national origin does not belong in a specific part of town or specific place.

This Department derives two principles from the adoption of this definition of biased based profiling:

- a. Law enforcement officers use race in conjunction with other known factors of the suspect, but may not use biased based or ethnic stereotypes as factors in selecting whom to stop and search.
 - b. Biased based profiling is not relevant as it pertains to witnesses or others providing information concerning an event.
- B. Race or Ethnicity: One who is of a particular decent, including African, Asian, Caucasian, Hispanic, Middle Eastern, or Native American.
- C. Pedestrian Stop: 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.
- D. Motor Vehicle Stop: A peace officer that stops a motor vehicle for an alleged violation of law or ordinance regulating traffic.

III. Training

Officers are responsible to adhere to all Texas Commission on Law Enforcement Officer Standards and Education ([TCLEOSE](#)) training and the Law Enforcement Management Institute of Texas ([LEMIT](#)) requirements as mandated by law.

All officers shall complete [TCLEOSE](#) training and education program on biased based 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. 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 biased based profiling not later than September 1, 2003.

The Chief of Police, as part of the initial training and continued education for such appointment, is required to attend the [LEMIT](#) program on biased based profiling.

General Order: 2.01 Bias Based Profiling

IV. Complaint Investigation

- A. The Department shall accept complaints from any person who believes he or she has been stopped or searched in violation of this policy. No person shall be discouraged, intimidated or coerced from filing a complaint, nor discriminated against because he or she filed such a complaint.
- B. Any employee who receives an allegation of biased based 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 copy of a complaint form or the department process for filing a complaint. All employees will report any allegation of biased based profiling to their superior before the end of their shift.
- 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.
- D. If a biased based 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 FBISD Police Department video or audio recording of the events upon which a complaint of biased based profiling is alleged, upon commencement of an investigation by this department into the complaint and upon written request of the FBISD officer who was made the subject of the complaint, this department shall promptly provide a copy of the recording to that FBISD officer.

V. Public Education

This Department will inform the public of its policy against biased based profiling and the complaint process. Methods that may be utilized to inform the public are the news media, radio, service or civic presentations, the Internet, as well as governing board meetings. Additionally, information will be made available as appropriate in languages other than English.

House Bill 3389 changed several portions of the Code of Criminal Procedure (CCP), Article 2.131 through 2.138. Beginning with 2011 reporting of the 2010 data, all agencies are required to report racial profiling data to TCLEOSE as well as their governing body. Three options are available to report to TCLEOSE and each agency must select the option that applies to their particular situation.

The three reporting options are:

- A. Full Exemption – Law enforcement agencies that do not routinely make motor vehicle stops can be fully exempt from reporting.
- B. Tier 1 Reporting – Law enforcement agencies that conduct motor vehicle stops and are equipped with video and audio equipment and who maintain those videos for 90 days, or in accordance with [CCP 2.135\(a\)\(2\)](#) an agency has requested and not received funds to

General Order 2.01 Bias Based Profiling

V. Public Education

B. Tier 1 Reporting (continued)

purchase and install the recording equipment, may report Tier 1 data.

C. Tier 2 Reporting – Law enforcement agencies that conduct motor vehicle stops and are not equipped with video and audio equipment must report Tier 2 data under [CCP 2.133](#) and perform an analysis as required by [CCP 2.134](#).

Fort Bend ISD Police requested funds for the purchase and installation of recording equipment in 2002 and were denied funding. Therefore, FBISD Police report Tier 1 data.

VI. Citation Data Collection & Reporting

A. An officer is required to collect information relating to motor vehicle stops in which a citation is issued or an arrest is made as a result of those stops. On the citation officers must include: [CKE \(LEGAL\)](#)

1. the race or ethnicity of the person being detained;
2. whether a search was conducted and if so, whether the individual detained consented to the search; and
3. whether the peace officer knew the race or ethnicity of the individual detained prior to the motor vehicle stop.

B. By March 1st of each year, the Department shall submit a report to TCLEOSE and their governing board that includes the information gathered by the citations from the preceding year. The report will include:

1. the total number of motor vehicle stops resulting in a citation or arrest
2. a breakdown of citations by race or ethnicity;
3. the number of stops where the race or ethnicity of the driver was known to the peace officer prior to the motor vehicle stop;
4. number of motor vehicle stops that resulted in a search;
5. number of searches that were consensual by the individual detained; and
6. number of searches that were based on probable cause.

C. This report will not include identifying information about a peace officer who makes a stop or about an individual who is stopped and arrested by a peace officer.

General Order 2.01 Bias Based Profiling

FBISD Police Department

General Order 2.01 Racial and Bias Based Profiling

Related District Policies: [CKE \(LEGAL\)](#)

Directive 10-001 Adopted (11-10-2010)

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APPROVED: 

David Rider

Chief of Police

Number of Motor Vehicle Stops:

1. **45** citation only

2. **0** arrest only

3. **2** both

4. **47** Total

Race or Ethnicity:

5. **14** African

6. **3** Asian

7. **12** Caucasian

8. **13** Hispanic

9. **5** Middle Eastern

10. **0** Native American

11. **47** Total (4, 11, 14 and 17 must be equal)

Race or Ethnicity Known Prior to Stop?

12. **3** Yes

13. **44** No

14. **47** Total (4, 11, 14 and 17 must be equal)

Search Conducted:

15. **6** Yes

16. **41** No

17. **47** Total (4, 11, 14 and 17 must be equal)

Was Search Consented?

18. **0** Yes

19. **6** No

20. **6** Total Must Equal # 15

Electronic Submission of data required by 2.132(b)(6) CCP

(6) require collection of information relating to motor vehicle stops in which a citation is issued and to arrests made as a result of those stops, including information relating to:

(A) the race or ethnicity of the individual detained;

(B) whether a search was conducted and, if so, whether the individual detained consented to the search; and

(C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and

This report meets the above requirements



Chief Administrator

01/30/2012

Date