

	Houston Independent School District Police Department Directives	DIRECTIVE: 400-004
		EFFECTIVE DATE: February 20, 2003
	SUBJECT: Racial Profiling	REVISED DATE: October 26, 2022

PURPOSE

The purpose of this written directive is to affirm the Houston Independent School District Police Department’s commitment to unbiased policing; to reinforce procedures that serve to ensure public confidence and mutual trust, and to protect our officers from unwarranted accusations of misconduct when they act within the constraints of departmental policy and the law.

POLICY

It is the policy of this department to police proactively and investigate suspected violations of the law. Officers shall enforce local, state, and federal laws responsibly and professionally, without regard to race, ethnicity, or national origin. Officers are strictly prohibited from engaging in racial profiling as defined in this policy. Biased-based profiling is an unacceptable police tactic and will not be condoned.

This directive 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.

DEFINITIONS

Acts Constituting Racial Profiling - Acts initiating law enforcement action, such as a traffic stop, detention, a search, issuance of a citation, or an arrest based solely upon an individual’s race, ethnicity, national origin, or based on 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.

Citizen Contact - An interaction between a peace officer and an individual detained for a criminal investigation in which the individual is not under arrest.

Motor Vehicle Contact – An occasion in which a peace officer stops a motor vehicle for an alleged violation of law or ordinance.

Racial Profiling- A law enforcement-initiated action based on an individual’s race, identifying the individual as having engaged in criminal activity. Racial profiling pertains to persons viewed as suspects or potential suspects of criminal behavior. The term is not relevant to witnesses, complainants, persons needing assistance, or other citizen contacts.

Race or Ethnicity - Persons of a particular descent including Asian or Pacific Islander, Black, Hispanic/Latino, Alaska Native or American Indian, and White.

PROHIBITION

Police Officers of the HISD Police Department 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 an officer. Race, ethnicity, or national origin may be legitimate factors in such a decision when used as part of a description of a suspect or witness for whom an officer is searching.

COMPLAINT PROCESS

No person shall be discouraged, intimidated, or coerced from filing a complaint or be discriminated against because they have filed a complaint.

Anyone who believes that a peace officer employed by the HISD Police Department has engaged in racial profiling may file a complaint in the Internal Affairs Unit, discipline/complaints against police personnel. An employee contacted regarding a complaint against an officer shall contact the Internal Affairs Unit.

“How to File a Complaint” brochures are maintained in the HISD Police Department lobby. Citizens may also be directed to the Departmental website to file a complaint at www.houstonisd.org;

Any supervisor who becomes aware of an alleged or suspected violation of this written directive shall report the alleged violation to the HISD Police Department Internal Affairs Unit.

Complaints of biased profiling shall be classified as a Class I complaint and will be investigated by the Internal Affairs Unit unless otherwise directed by the Chief of Police. The Internal Affairs Unit will maintain a log of all Biased Based Profiling complaints.

DISCIPLINARY AND CORRECTIVE ACTIONS

Any department officer who is found, after investigation, to have engaged in biased based profiling in violation of this written directive may be subject to disciplinary action, up to and including termination. Disciplinary or corrective action may include diversity, sensitivity, or other appropriate training or counseling, as determined by the Chief of Police.

PUBLIC EDUCATION

The HISD Police Department shall educate the public concerning the racial profiling complaint process. The primary public education method shall be through the brochure “How to File a Complaint,” which is maintained in the lobby of the HISD Police Department and online at www.houstonisd.org. Other education methods may inform the public through civic presentations and public meetings.

COLLECTION OF INFORMATION AND ANNUAL REPORT WHEN CITATION ISSUED OR ARREST MADE

For each motor vehicle contact in which a citation, ticket or warning is issued, and for

each arrest resulting from a motor vehicle contact, an officer involved in the stop shall collect the following information:

- a) Information identifying the race or ethnicity of the person detained. The following codes will be used to identify the individual's race:

- A = Asian or Pacific Islander
- B = Black
- H = Hispanic/Latino
- I = Alaska Native or American Indian
- W = White

Officers may not ask the individual to identify their race. If the officer cannot determine the race or ethnicity of the person contacted, then the race shall be entered as other on the citation(s).

- b) Whether the officer knew the race or ethnicity of the individual detained before detaining that individual.
- c) Whether a search was conducted.
- d) If a search was conducted, the individual detained consented to the search.
- e) Whether a search was conducted because probable cause existed.
- f) Whether contraband was found.

Officers should utilize the Racial Profiling Module in MOBLAN to enter the required data. The Records Clerk will collect data from the citations and maintain a log maintained in the Business Office. All HISD Police Department supervisors shall ensure that all Racial Profiling Data is collected and reported to the Chief of Police.

The information collected shall be compiled in an annual report covering January 1 through December 31. It shall be submitted to the district superintendent no later than March 1 of the following year.

The report will include:

- a) A breakdown of citations by race or ethnicity.
- b) The number of citations that resulted in a search.
- c) The number of consensual searches.
- d) The number of citations that resulted in a custodial arrest.

The annual report shall not include identifying information about any individual stopped or arrested and shall not include identifying information about any peace officer involved in a stop or arrest.

Biased Based Profiling Data will also be reported to the Texas Commission on Law Enforcement (TCOLE) by March 1 of each year, following the Commission's prescribed

format.

AUDIO AND VIDEO EQUIPMENT

Both video and audio recordings shall be required in units equipped with mobile video camera systems.

REVIEW OF VIDEO AND AUDIO DOCUMENTATION

Each audio and video recording shall be retained for a minimum period of one hundred twenty (120) days unless a complaint is filed alleging that an officer has engaged in biased based profiling with respect to a motor vehicle contact or pedestrian stop.

If a complaint is received alleging that an officer has engaged in biased profiling, the audio/video recording shall be forwarded to the Internal Affairs Unit. The Internal Affairs Unit shall retain the tape until the final disposition of the complaint(s) has been made.

The Chief of Police or designee shall review a randomly selected sampling of video and audio recordings made recently by officers employed by the department to determine if patterns of biased based profiling exist:

Written documentation shall include:

- a) The names of the officers whose contacts were reviewed.
- b) The date(s) of the video review.
- c) The date the actual review was conducted.
- d) The name of the person conducting the review.

TRAINING

Each peace officer employed by the department shall complete the comprehensive education and training program on biased based profiling established by the Texas Commission on Law Enforcement (TCOLE) no later than the second anniversary of the date the officer was licensed or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier.

On September 1, 2001, a person who held a TCOLE intermediate proficiency certificate or who had held a peace officer license issued by TCOLE for at least two years shall complete a TCOLE training and education program on biased based profiling.

The Chief of Police shall, in completing the training required by Section 96.641, Texas Education Code, complete the program on biased based profiling established by the Bill Blackwood Law Enforcement Management Institute of Texas (LEMITE).

EFFECTIVE DATE

Any previous directive, rule, order, or regulation pertaining to this subject matter and its amendments shall remain in full force and effect for any violation(s) that occur prior to this written directive effective date.

If any section, sentence, clause, or phrase of this written directive is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this written directive.

BIAS BASED POLICING

The Houston Independent School District Police Department recognizes the value of criminal profiling as a useful tool to assist law enforcement officers in carrying out their duties. Officers are prohibited, however, from practicing Racial Profiling in any manner. This includes racial profiling in traffic enforcement, suspect and vehicle searches, property seizures, field contacts, pedestrian stops, and other law enforcement duties.

Racial profiling is the selection of individuals based solely on a common trait of a group. This includes, but is not limited to, race, ethnic background, gender, sexual orientation, religion, economic status, age, culture, or any other identifiable groups. All complaints of Racial Profiling will be routed through the Internal Affairs Unit. In addition, law enforcement personnel will receive annual training on issues involving Racial Profiling and the legal facets. The Internal Affairs Annual Summary of Internal Affairs Complaints shall include an administrative review of agency practices on racial profiling, to include citizen complaints or concerns.

Approved By



Pedro Lopez Jr., Chief of Police