



## LAKE WORTH POLICE DEPARTMENT RACIAL PROFILING POLICY (Update - 2010)



### I. POLICY AND PURPOSE

The purpose of this policy is to reaffirm the City of Lake Worth Police Department's commitment to unbiased policing in all its encounters with 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.

It is the policy of this Department to police in a proactive manner and, to aggressively investigate suspected violations of the 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 racial profiling as defined in this policy. Racial profiling is an unacceptable patrol tactic and will not be condoned.

This Racial Profiling 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.

### II. 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:** means of a particular descent, including Caucasian, African, Hispanic, Asian, Native American or Middle Eastern descent.

Motor Vehicle Stop: means an occasion in which a peace officer stops a motor vehicle for an alleged violation of a law or ordinance. This will be considered a contact, when the officer "issues a citation or makes an arrest."

Acts Constituting Racial Profiling: are acts initiating law enforcement action, such as a motor vehicle 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 or on information identifying the individual as having engaged in criminal activity, or other lawful reasons for the law enforcement action.

### **III. PROHIBITION**

Peace officers of the City of Lake Worth are strictly prohibited from engaging in racial profiling. The prohibition against racial profiling does not preclude the use of race, ethnicity or natural origin as factors in a detention decision by a peace officer. Race, ethnicity, or natural origin may be legitimate factors in such a decision when used as part of a description of a suspect or witness for whom a peace officer is searching.

### **IV. COMPLAINT PROCESS**

Any person who believes that a peace officer for the City of Lake Worth has engaged in racial profiling with respect to that person may file a complaint with the City, and no person shall be discouraged, intimidated, or coerced from filing such a complaint, or be discriminated against because they have filed such a complaint.

The City shall accept and investigate citizen complaints alleging racial profiling by its peace officers. Such complaints shall be in writing, or the City employee, officer, or official receiving the complaint should reduce the same to writing, and should include the time, place, and details of the incident of alleged racial profiling, the identity or description of the peace officer or officers involved, and the identity and manner of contacting the complainant.

Any peace officer, City employee, or City official who receives a citizen complaint alleging racial profiling shall forward the complaint to the Chief of Police or his designee within 12 hours of receipt of the complaint. Receipt of each complaint shall be acknowledged to the complainant in writing, all such complaints will be reviewed and investigated by the Chief of Police or his designee within a reasonable period of time.

In investigating a complaint alleging racial profiling, the Chief of Police or his designee 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, and shall not be grounds for corrective action.

In the event that a complaint of racial profiling filed by an individual involves an occurrence that was recorded on audio or video, the Chief of Police or his designee 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 peace officer that is the subject of the complaint.

## **V. CORRECTIVE ACTION**

Any peace officer who is found, after investigation, to have engaged in a pattern of racial profiling in violation of this policy shall be subject to corrective action, which may include reprimand, diversity, sensitivity or other appropriate training or counseling; paid or unpaid suspension; termination of employment, or other appropriate action as determined by the Chief of Police.

## **VI. PUBLIC EDUCATION**

The Police Department of the City of Lake Worth shall provide education to the public concerning the racial profiling complaint process. THIS PUBLIC POSTING OF THE COMPLETE POLICY BEING A METHOD IN ITSELF. A summary of the public education efforts made during the preceding year shall be included with the annual report filed with the governing body of the City of Lake Worth Part VII below.

## **VII. COLLECTION OF INFORMATION AND ANNUAL REPORT WHEN CITATION ISSUED OR ARREST MADE**

For each motor vehicle stop in which a citation is issued and to arrests made as a result of those stops, a peace officer involved in the stop shall collect the following information:

- 1) A physical description of any person operating a motor vehicle who is detained as a result of the stop, including:
  - A. The person's gender;
  - B. The person's race or ethnicity, as stated by the person or as determined by the Peace Officer to the best of his/her 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.
- 4) Whether the officer conducted a search as a result of the stop and, if so, whether the person detained 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 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 and/or search, and, if so, a statement of the offense charged.
- 8) The street address or approximate location of the stop.
- 9) Whether the officer issued a citation as a result of the stop/contact. At the Lake Worth Police Department the use or logging of the stop/contact on the, "Officer's SB1074 & HB3389 Compliance Form," stands as understanding and record at minimum of a citation, or citations, having been issued.

The information collected shall be compiled in an annual report covering the period January 1 through December 31 of each year, and shall be submitted to the Commission on Law Enforcement Officer Standards and Education (TCLEOSE) and the governing body of the City of Lake Worth no later than March 1 of the following year.

Effective March 1, 2011, the report will be sent to TCLEOSE.

The report will include:

- A. A breakdown of contacts by race or ethnicity
- B. A breakdown of searches by race or ethnicity
- C. Number of searches that were consensual or probable cause;
- D. Number of contacts that resulted in custodial arrests; and
- E. Public education efforts concerning the racial profiling complaint process.

The annual report shall not include identifying information a peace officer who makes a motor vehicle stop or about an individual who is stopped or arrested by a peace officer.

## **VIII. AUDIO AND VIDEO EQUIPMENT**

Each motor vehicle regularly used by this Department to make motor vehicle stops is equipped with a video camera and transmitter-activated equipment.

Each motor vehicle stop made by an officer of this Department that is capable of being recorded by video and audio, or audio, as appropriate, is recorded.

Each audio and video recording shall be retained for a minimum period of ninety (90) days unless a complaint is filed alleging that a peace officer of the City has engaged in racial profiling with respect to a motor vehicle stop, in which case the recording shall be retained until final disposition of the complaint.

In conjunction with preparation of the annual report required under Part VII of this writing, the Chief of Police or his designee shall periodically conduct reviews of a randomly-selected sampling of video and audio recordings made recently by peace officers employed by the City in order to determine if patterns of racial profiling exist. In reviewing audio and video recordings, the Chief of Police or his designee shall seek to determine if the officer who is involved therein 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, and shall not be grounds for corrective action.

## **IX. PEACE OFFICER AND POLICE CHIEF TRAINING**

- 1) Each peace officer employed by the City shall complete the comprehensive education and training program on racial profiling established by the Texas Commission on Peace Officer Standards and Education (TCLEOSE) not 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. A person who on September 1, 2001, held a TCLEOSE intermediate 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 racial profiling not later than September 1, 2003.
- 2) The Chief of Police shall, in completing the training required by Section 96.641, Texas Education Code, complete the program on racial profiling established by the Bill Blackwood Law Enforcement Management Institute of Texas (LEMITE), no later than September 1, 2003.

Please contact Captain Pringle - Assistant Chief of Police - with any questions or comments regarding the Lake Worth Police Department Racial Profiling Policy.

Office phone number: (817) 237-1224 ext. 237 –

Monday through Thursday 8 a.m. to 5 p.m.  
E-mail Captain Pringle at: [jpringle@lakeworthtx.org](mailto:jpringle@lakeworthtx.org).

If Captain Pringle is not available please feel free to contact any member of our Administrative Staff.