S.O.P. 201.017 – BIAS BASED PROFILING

POLICY STATEMENT

Biased based profiling will not be tolerated within the DeSoto Police Department including traffic contacts, field contacts, asset forfeiture, and any forfeiture efforts. The stopping and or searching of an individual shall be based upon legal justification and not on the persons race, ethnic background, gender, sexual preference, religion, economic status, age, cultural group or any other identifiable groups.

I. DEFINITIONS

Race or ethnicity

Of a particular descent, including, Caucasian, African, Hispanic, Asian, or Native American descent.

Racial Profiling – Art. 3.05. CCP

"A law enforcement-initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or information identifying the individual as having engaged in criminal activity."

Pedestrian Stops

A pedestrian stop is defined in Art. 2.133. CCP as "any interaction between an officer and an individual who is being detained for the purpose of a criminal investigation in which the person is not under arrest."

Note: This includes persons who are passengers in vehicles that have been stopped.

Motor Vehicle Stops

A stop of a motor vehicle for an alleged violation of a law or ordinance regulating traffic

Reasonable Suspicion

Also known as articulable suspicion. Specific, articulable facts and circumstances, and reasonable inferences from those facts and circumstances, that would lead a person of reasonable prudence to believe that some type of criminal activity is a foot, and detainee(s) are somehow involved.

Searches

Searches for the purpose of this procedure are the full search of a vehicle based upon probable cause or upon an articulable reasonable suspicion.

Non-consent searches

Searches that are subsequent to arrest and those that occur as a result of the plain view doctrine, are to be considered searches without consent and shall be explained in the arrest narrative.

II. CHAPTER 2 ARTICLE 2.132 (b) 6 CCP REQUIRES THE FOLLOWING:

- Collection of information relating to traffic stops in which a citation is issued and to arrests resulting from those traffic stops, including information relating to:
  - the race or ethnicity of the individual detained
  - whether a search was conducted and, if so, whether the person detained consented to the search

III. CITATIONS

- In order to record search information, current citations have a block for indicating whether a search is conducted during a traffic stop. Record officer actions in the following manner:
  - If a search was conducted with consent then circle the vehicle searched section and put a “C” if you had consent and a “N” if you did not have consent.
  - If no search was conducted then leave the vehicle-searched section blank.

IV. RECORDING STOPS

- All traffic and pedestrian stops that are capable of being recorded by video and audio or by audio equipment shall be recorded. Both video and digital recording will be downloaded per Administrative Directives 110.018 Mobile Video Camera Systems and 110.019 – Use of Department Issued Digital Recorder. Videos are retained for a minimum of 90 days per Chapter 2 Article 2.135 (a) 2(b) CCP.
- Motorcycle officers SHALL use a digital recorder to record all traffic or pedestrian stops. The digital recorder shall be downloaded at the end of each shift and the recording will be held by property for a minimum of 90 days.
- Officers in unmarked police vehicles SHALL use a digital recorder to record all traffic or pedestrian stops. The digital recorder shall be downloaded at the end of each shift and the recording will be held by property for a minimum of 90 days.
- The computerized Racial Profiling forms must be completed on all stops.

V. SEARCHES

- Refer to Administrative Directive 110.004 – Voluntary Consent to Search.

- Refer to Administrative Directive 110.005 – Search Warrant Requirements and Execution

- Refer to Standard Operating Procedure 201.005 – Search and Seizure without a Warrant.

- Frisks of an individual and the cursory examination of a vehicles interior for weapons shall not be considered searches in the following situations:

  - The frisk is limited to the outside of the individuals clothing

  - The area within the driver's immediate reach and does not include any closed or locked portions of the vehicle (console, glove box) or luggage (briefcase, etc.).

- Impound inventories of vehicles shall not be considered searches.

VI. Stops shall be conducted as described in S.O.P. 202.002 II. Violator Contact

VII. Officers found to have engaged in biased based profiling will be disciplined in accordance with108.002 Administration of Discipline. Each allegation will be investigated in accordance with 108.001 Administrative Investigations. Officer should be aware that discipline may include termination from employment with DeSoto Police Department

VIII. Training in bias based profiling will be conducted every two years with cultural diversity training.

IX. A documented administrative review of agency practices including citizen concerns will be conducted annually.