

# **Bailey County Sheriff's Office Contact Data Annual Report January 1, 2022---December 31, 2022**

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#### **IV. CITATION DATA COLLECTION & REPORTING**

An officer is required to collect information relating to traffic stops in which a citation is issued. On the citation officers must include:

1. the violators race or ethnicity;
2. whether a search was conducted;
3. was the search consensual; and
4. arrest for this cited violation or any other violation.

By March of each year, the department shall submit a report to their governing board that includes the information gathered by the citations. The report will include:

1. a breakdown of citations by race or ethnicity;
2. number of citations that resulted in a search;
3. number of searches that were consensual; and
4. number of citations that resulted in custodial arrest for this cited violation or any other violation.

Not later than March 1<sup>st</sup> of each year, this department shall submit a report to our governing body containing this information from the preceding calendar year.

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. Examples of racial profiling include but are not limited to the following:

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 upon the determination that a person of that race, ethnicity or national origin does not belong in a specific part of town or a specific place.

A law enforcement agency can derive at two principles from the adoption of this definition of racial profiling:

1. Police may not use racial or ethnic stereotypes as factors in selecting whom to stop and search, while police may use race in conjunction with other known factors of the suspect.
2. Law enforcement officers may not use racial or ethnic stereotypes as factors in selecting whom to stop and search. Racial profiling is not relevant as it pertains to witnesses, etc.

**Race or Ethnicity** – Of a particular decent, including Caucasian, African, Hispanic, Asian, or Native American.

**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.

**Traffic Stop** – A peace officer that stops a motor vehicle for an alleged violation of a law or ordinance regulating traffic.

# **Racial Profiling Policy**

## **I. PURPOSE**

The purpose of the policy is to reaffirm the Bailey County Sheriff's Office 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.

## **II. POLICY**

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 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. 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. Racial profiling is an unacceptable patrol tactic and will not be condoned.

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**

**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.

## **Summary Statement**

The findings suggest that the Bailey County Sheriff's Office does not currently experience a problem regarding racial profiling practices. This is supported by the fact that it has not received complaints from community members regarding officers misconduct associated with racial profiling practices.

The continuing effort to collect police contact data will assure an on-going evaluation of the Bailey County Sheriff's Office practices. Thus, allowing for the citizens of the Bailey County community to benefit from professional and courteous service from their Sheriff's Office.

## **Training**

In compliance with the Texas Racial Profiling Law, the Bailey County Sheriff's Office requires that all its deputies 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 deputies from the Bailey County Sheriff's Office are required to complete a TCLEOSE 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. A peace officer licensed on or after 9/1/2003, must complete this requirement prior to applying for an intermediate or advanced certificate or prior to 8/31/2007, whichever is earlier. A peace officer licensed prior to 9/1/2003, must complete this requirement prior to applying for an intermediate or advanced certificate or prior to 8/31/2009, whichever is earlier. All peace officers must complete this training before 09/01/2009.

The Sheriff, as part of the initial training and continued education for such appointment, attended the LEMIT program on racial profiling. This fulfills the training requirement as specified in the Education Code (96.641) of the Texas Racial Profiling Training Law.

## **Video Policy**

Each motor vehicle regularly used by this department to make traffic and pedestrian stops is equipped with a video camera and transmitter-activated equipment, and each motorcycle regularly used by this department to make traffic and pedestrian stops is equipped with transmitter-activated equipment; and

Each traffic and pedestrian stop made by an officer of this department that is capable of being recorded by video and audio, or audio, as appropriate, is recorded.

It is the policy of this department that it is to retain the video and audiotapes, or the audiotape 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 retains the video and audiotapes, or the audiotape of the stop until final disposition of the complaint.

Supervisors ensure that officers of this department are recording their traffic and pedestrian stops. A recording of each officer will be reviewed at least once every ninety (90) days.

*\*If the equipment used to record audio and/or video of traffic or pedestrian stops is malfunctioning or otherwise not operable, the officer making the stop is encouraged to properly record and report the information as required in Policy B Section VIII (or the equivalent section in your departments policy).*

*\*(Footnote: In the event of equipment failure; as a consideration, agencies may wish to manually collect data when audio and/or video equipment is temporarily non-operational. An agency that chooses to collect data manually should incorporate the information as contained in Policy B Section VIII).*

**Disclaimer:** This model policy is intended as a guide. It should be reviewed by legal counsel prior to modification and implementation in any specific community.

## **Recommendations**

Based on the findings introduced in this report, the Sheriff, along with command staff, have agreed to adopt the following measures aimed at addressing potential racial profiling problems:

- Provide further racial sensitivity training to its law enforcement personnel
- Host a series of seminars on racial profiling issues
- Disseminate information to all officers regarding the guidelines of behavior acceptable under the newly adopted Texas Racial Profiling Law
- Hire an outside evaluator to continuously provide feedback regarding progress made by the department on racial profiling issues
- Host a public session where information can be provided to the community regarding the newly adopted measures by the sheriff's office
- Create an advisory board made up of minority leaders in the community
- Seek outside resources to implement an Early Warning System
- Keep the commissioners court and other county officials informed of measures being implemented at the sheriff's office