



PORTCORPUS CHRISTI®

Port of Corpus Christi Authority Police & Security Department Policy and Procedure Manual

Subject: Police & Security Department Racial Profiling/ Biased Based Profiling Policy			Policy Number 21-013
Effective Date: 09/20/2017	Revision Date: 3/29/21	Reevaluation Date 12/31/21	Number of Pages 5
Reference Standards: Texas Code of Criminal Procedure Art. 2.131 thru 2.1385. LEMIT model policy “Racial Profiling”		Rescinds or Amends Policy Number: Supercedes previous “Policy D – Racial Profiling” Supercedes previous “14-007 Racial Profiling” Supercedes previous “15-007 Racial Profiling Biased Based Policing”	

POLICY 21-013 – RACIAL/ BIASED BASED PROFILING

I. Purpose.

The purpose of this policy is to reaffirm the Port of Corpus Christi Police Department’s commitment to unbiased policing in all its encounters between an 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.

This policy institutionalizes and affirms the department’s commitment to unbiased policing by identifying specific acts that would be considered bias based policing and by outlining procedures to address requirements of Article 2.131-137 of the Texas Code of Criminal Procedure (CCP).

This policy is not intended to prohibit, nor does it prohibit police personnel from stopping or detaining individuals if a specific report exists in which an individual’s race, national origin, citizenship, religion, ethnicity, age, gender, or sexual orientation is an identifying factor in determining the existence of probable cause, or reasonable suspicion, for taking police action.



II. Policy

- A. 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, national origin, citizenship, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group. Officers are strictly prohibited from engaging in racial profiling or biased based policing as defined in this policy. This policy shall be applicable to all police officers while discharging their official duty.
- B. Officers shall conduct themselves in a dignified and respectful manner at all times when dealing with the public. Members of the Port of Corpus Christi Police department will focus on the behavior of individuals and/or specific suspect information in taking police action. Individuals will not be targeted for enforcement action, detention, field contacts, asset seizure and forfeiture, or interdiction solely on the basis of race, ethnicity, national origin, citizenship, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group. 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/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.
- C. This policy shall not preclude officers from offering assistance to persons, such as upon observing a substance leaking from a moving vehicle, persons who have 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.
- D. Appropriate corrective action will be taken, after investigation, against any employee who engages in bias based policing. Such an investigation may result in disciplinary action within the Port of Corpus Christi Authority Progressive Discipline Policy.

III. Definitions.

- A. **Racial Profiling.** A law enforcement-initiated action based solely on an individual's race or ethnic background rather than on the individual's behavior or on information identifying the individual as having been observed to be preparing to engage in criminal activity, engaged in criminal activity, or in flight from having engaged in criminal activity.
- B. **Bias Based Profiling** – The targeting of an individual for enforcement action, detention or interdiction based solely on a trait common to a group of people. This includes, but is not limited to, race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group or any other identifiable group. For purpose of this policy the term “racial profiling” is a part of Biased Based Profiling.
- C. **Race or ethnicity:** Heritage of a particular descent, including White (W), Black (B), Hispanic or Latino (H), Asian or Pacific Islander (A), Alaska Native or American Indian (N).

- D. **Seizure** – Taking of property from an individual with the individual’s consent or any restriction of an individual’s liberty with the individual’s consent. A detention will be considered a seizure, as will an arrest. Seizure also includes filing of documents with the District Attorney for the purpose of asset forfeiture.
- E. **Motor Vehicle Stop:** means an occasion in which a peace officer stops a motor vehicle for an alleged violation of a law or ordinance.

IV. Training.

- A. Officers are responsible to adhere to all Texas Commission on Law Enforcement (TCOLE) training and the Law Enforcement Management Institute of Texas (LEMIT) requirements as mandated by law.
- B. All officers shall complete a TCOLE 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.
- C. The Chief of Police, as part of the initial training and continued education for such appointment, is required to attend the LEMIT program on racial profiling.

V. Complaint Investigation.

- A. The department shall accept complaints from any person who believes he or she has been stopped or searched solely based on racial, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group or any other identifiable group reasons. 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 racial profiling, including the officer who initiated the stop, shall record the person’s name, address and telephone number, and forward the complaint through the officer’s chain of command. Any employee contacted shall provide to that person a copy of a complaint form or shall provide the individual with a copy of the department process for filing a complaint. All employees will report any allegation of racial profiling to their supervisor 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 of Police. When applicable, findings and/or suggestions for disciplinary action, retraining, or changes in policy shall be filed with the chief.
- D. If a racial profiling complaint is sustained against an officer, it will result in appropriate corrective and/or disciplinary action in accordance with the Port of Corpus Christi Authority Progressive Discipline Policy.

- E. If there is a departmental video or audio recording of the events upon which a complaint of bias based or racial profiling is based, upon commencement of an investigation by this department into the complaint and upon written request of the officer who is the subject of the complaint, this department shall promptly provide a copy of the recording to that officer.

VI. Public Education.

- A. This department will inform the public of its policy against racial 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.

VII. Citation Data Collection & Reporting.

- A. In accordance with Texas Code of Criminal Procedure section 2.132, an officer is required to collect information relating to motor vehicle stops in which a ticket, citation, or warning is issued, and/or which results in the arrest of the individual as a result of the stop. On the ticket, citation, or warning officers must include:
 - i. the race or ethnicity of the individual detained; and,
 - ii. whether a search was conducted;
 - iii. was the search consensual; and
 - iv. whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual;
 - v. whether there was an arrest for this cited violation.
 - vi. whether the peace officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Texas Penal Code during the stop.
 - a. The location of the stop
 - b. The reason for the stop.
- B. By March 1st 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:
 - i. a breakdown of tickets, citations, and warnings by race or ethnicity;
 - ii. number of citations that resulted in a search;
 - iii. number of searches that were consensual; and
 - iv. number of those citations reported under B.1., that resulted in custodial arrest for this cited violation or any other violation.
- C. Not later than March 1st of each year, this department shall submit a report to the Texas Commission on Law Enforcement (TCOLE), and to our governing body containing this information from the preceding year.

VIII. Use of Video and Audio Equipment.

- A. Peace officers and this department are exempt from the requirements of Code of Criminal Procedure, Section 2.134, if during the calendar year before the date that a report under Section A above is due:

- i. Each motor vehicle regularly used by this department to make motor vehicle stops was equipped with a video camera and transmitter-activated equipment; and,
 - ii. 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.
- B. This department shall retain the video and audiotapes, or the audiotape of each motor vehicle 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 or Bias Based profiling with respect to a motor vehicle stop, this department shall retain the video and audiotapes, or the audiotape of the stop until final disposition of the complaint.
- C. Supervisors will ensure officers of this department are recording (with both audio and video) their motor vehicle stops, as defined in CCP. At least one recording of each officer's motor vehicle stops will be reviewed at least once every ninety (90) days. Operations permitting, first and second line supervisors shall review recordings of motor vehicle stops during each of their assigned tours of duty. Supervisors shall complete the In Car Audio/Video DVD Review form for each motor vehicle stop reviewed. The completion of each portion of that form by each supervisor shall be legible and complete. If the equipment used to record audio and/or video of motor vehicle stops is malfunctioning or otherwise not operable, the officer making the stop shall properly record and report the information as required in Section VII, para.A above.

END

Signed: Chief Giannamore Date: March 29, 2021