

308.00 PURPOSE

The purpose of this policy is to reaffirm the Dallas County sheriff's Department's commitment to unbiased law enforcement in all it encounters between deputies and any person.

308.01 POLICY

It is the policy of this department to conduct law enforcement procedures in a proactive manner and to aggressively investigate suspected violations of law. Deputies shall actively enforce state and federal laws in a responsible and professional manner, without regard to race , ethnicity, or national origin. Deputies 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.

308.02 DEFINITIONS

- A. 'Racial Profiling' For the purpose of this order the term 'racial profiling' shall mean the act of selecting or targeting a person(s) for law enforcement contact based exclusively on the individual's race, ethnicity, or national origin and not upon reasonable suspicion sufficient to justify a law enforcement initiated action or contact.

- 2. 'Law enforcement contact' For the purpose of this order the term 'law enforcement contact' will include but be not limited to;
 - 1. Pedestrian stop,
 - 2. Vehicle traffic stop,
 - 3. Field interrogation.

- 3. 'Stop' For the purpose of this order the term 'stop' shall mean an interaction between a deputy and an individual who is being detained for the purpose of a criminal investigation, regardless of the level (misdemeanor or felony), in which the individual is not under arrest.

- 4. 'Reasonable suspicion' For the purpose of this order the term 'reasonable suspicion' shall mean a reasonable belief, based either upon a deputy's personal observations or upon reliably reported or communicated information, that a person has committed, is committing, or is about to commit a crime.

- 5. 'Detainee' For the purpose of this order the term 'detainee' shall mean any person(s) detained as a result of law enforcement contact for the purpose of a criminal investigation, regardless of the level (misdemeanor or felony), in which the individual is not under arrest.

- 6. 'Deputy' For the purpose of this order the term 'Deputy' shall apply to all sworn departmental members, regular and reserve, regardless of rank, title, or assignment.

- 7. 'Articulative' For the purpose of this order the term 'articulative' shall mean the ability to definitively correlate an individual's actions, or other circumstances associated with an individual, with a legitimate motivation for initiating a law enforcement contact.

- 8. 'CAD' For the purpose of this order the term 'CAD' [Computer Aided Dispatch] will encompass the entire computerized system utilized by the Communications Section in the collection and preservation of data.

- 9. 'MDC' For the purpose of this order the term 'MDC' [Mobile Data Computer] refers to the authorized

onboard computer system utilized by field deputies to electronically receive and transmit data to and from the Communications Section.

308.03 RESTRICTIONS FOR DEPUTY INITIATED LAW ENFORCEMENT CONTACT

1. Deputies are prohibited from initiating any form of law enforcement contact with any person without the presence of articulative reasonable suspicion.
2. Individuals will not be stopped or detained based exclusively on their race, ethnicity, or national origin.
3. No detainee, once cited or warned, will be detained beyond the point where there exists no reasonable suspicion of further criminal activity.

308.04 DOCUMENTATION OF TRAFFIC AND PEDESTRIAN STOPS

- A.. All traffic and/or pedestrian stops will be reported to the Communications Section via radio, telephone, or MDC as they transpire.
2. In the event that a deputy is unable to report incidents as specified in 308.04 [A] as they transpire, the deputy will report such incidents as soon as possible. Communications Section personnel will document in the CAD entry that the incident was entered post-incident.
3. The Communications Section will ensure that a CAD entry is made for each traffic or pedestrian stop reported.

308.05 INFORMATION TO BE COLLECTED

2. **VEHICLES WITHOUT FUNCTIONING AUDIO & VIDEO RECORDING EQUIPMENT** :This section applies to vehicles that do not have audio & video equipment or to vehicles in which the audio & video equipment is not operative.

The following information is to be collected and reported via radio, telephone, or MDC to the Communications Section by all deputies effecting either a traffic or pedestrian stop utilizing vehicles without audio and video recording equipment:

1. Physical description of each person detained as a result of the stop, including: gender, race / ethnicity.
2. Alleged violation of law or ordinance.
3. Street address or approximate location of stop.
4. Was a search was conducted as a result of the stop.
5. Did detainee consent to search.

6. Notation of any contraband discovered during the search and the type of contraband discovered.
 7. Probable cause to search and facts supporting the existence of that probable cause.
 8. Was an arrest as a result of the stop or the search, including a statement of the offense and charge.
 9. Was a warning or a citation issued.
- B. VEHICLES WITH FUNCTIONING AUDIO & VIDEO RECORDING EQUIPMENT :The following information is to be collected and reported via radio, telephone, or MDC to the Communications Section by all deputies effecting either a traffic or pedestrian stop utilizing vehicles with audio and video recording equipment:
10. Race or ethnicity and gender of the detainee,
 11. Was a search was conducted as a result of the stop, if so was it consensual.
 12. Was there an arrest or citation issued.
3. The Communications Section will ensure that the information listed in SO2001-01.005 [A1-9] is entered and recorded as a CAD entry associated with the stop.

308.06 VIDEO EQUIPMENT

- A. Vehicles that are routinely utilized for traffic enforcement purposes will be equipped with a video camera capable of both audio and video recording.
2. Motorcycles utilized for law enforcement purposes will be equipped with a system capable of audio and recording of all traffic and pedestrian stops.
3. Supervisors of personnel utilizing video and audio recording equipment shall be responsible for maintaining a supply of video cartridges for their assigned personnel.
4. Supervisors will ensure that deputies operating video equipment are trained in the proper operation of same prior to field use.

308.07 VIDEO RECORDING PROCEDURES

1. Video and audio equipment will be activated prior to each traffic/pedestrian stop
2. The video recorder and audio transmitter will remain activated until the detainee and/or vehicle is released.
3. Failure to activate the video camera and audio prior to traffic/pedestrian stop and failing to keep the video and audio activated until the detainee and/or vehicle is released may result in disciplinary action up to and including termination.

308.08 VIDEO AND AUDIO CARTRIDGE ISSUE AND MAINTENANCE

- A. Supervisors of personnel assigned to operate vehicles equipped with video or audio recording

equipment shall maintain a log of all assigned video and audio cartridges and their disposition(s).

2. Video and audio cartridges will be issued to the Patrol Division for assignment by supervisory staff.
3. Each cartridge will be individually and uniquely numbered by supervisory staff prior to issue.
4. Deputies assigned to positions that utilize video or audio recording equipment will be issued a video or audio tape cartridge by their supervisor.
5. Deputies will return their assigned video or audio cartridge daily. Supervisors will re-issue the same cartridge to the deputy for a period of five (05) working days, or as needed during the same period.
6. At the conclusion of the five (05) working day period the recorded cartridge shall be archived by the division for a period of ninety (90) days.
7. Each cartridge will be labeled by the supervisor with the deputy's name, badge number, assignment, and dates issued.
8. At the conclusion of the ninety (90) day archive period the supervisor will clear the tape and re-issue same.
9. In the event that a complaint is received in which the incident was recorded, that video cartridge shall be retained for a minimum of one (01) year
10. When a complaint is filed a copy of the tape will be forwarded to the Internal Affairs Division for review.
11. The Internal Affairs Division will issue deputies a copy of any video or audio recording associated with a formal complainant.

308.09 DATA REPORTING PROCEDURES

- A. The Communications Section Commander shall maintain a database of information collected from traffic stops conducted by departmental personnel.
2. The Communications Section Commander shall submit a compilation of the data (as identified in this section) from the previous year to the Chief Deputy of General Services prior to January 31 of each year.

3. The data shall include:
 1. The race or ethnicity of the detainee,
 2. Whether a search was conducted and, if so, whether the detainee consented to the search.

308.10 COMPLAINTS

- A. Any person may file a complaint with the Sheriff's Department if they feel that they have been stopped, detained, or searched based solely on a racial-based profile.
2. No person will be discouraged, intimidated, or coerced from filing such a complaint, or discriminated against because they have filed such a complaint.
3. Any Sheriff's Department personnel contacted by a person who wishes to file such a complaint will immediately contact a supervisor who will respond to the scene. The Supervisor shall advise the complainant of the complaint process procedures and document the complaint. All complaints will be forwarded to the Division Commander who will review and process the complaint in accordance with Chapter 400 of the Sheriff's Department's General Orders.
4. All complaints of racial-based profiling, upon conclusion will be forwarded to the Sheriff and will contain findings, suggestions for disciplinary action, or changes in policy, training, or tactics.
5. Dependent on the findings of each complaint as well as the specific factors involved, corrective measures will be taken to remedy violations of this policy. Corrective measures may include but are not limited to, training, counseling, policy review, and discipline up to and including termination of employment.
6. On an annual basis, the Internal Affairs Division will compile a statistical summary of all racial-based profiling complaints which will include the findings as to whether each case was sustained, not sustained, or exonerated. Supplemental statistical data may be obtained from a variety of sources to include Communications CAD system, MDC logs and inquiries, and activity reports.

308.11 MONITORING OF PERSONNEL

Supervisors of personnel effected by this policy shall review a randomly selected tape of each person under their supervision during each 90 day period, starting January 1, 2002,

308.12 TRAINING

Deputies are responsible to adhere to all Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) training as mandated by law.

All deputies shall complete a TCLEOSE training and education program on racial profiling no later than the second anniversary of the date of the deputy is licensed under Chapter 1701 of the Texas Occupation Code. A deputy who on September 1, 2001, held a TCLEOSE intermediate proficiency certificate, or who held a peace officer license issued by TCLEOSE for at last two (2) years, shall complete a TCLEOSE training and education program on racial profiling no later than September 1, 2003.

308.13 PUBLIC EDUCATION

1. This policy shall be posted on the Dallas County Web site [www.Dallascounty.org] and in an area having public access located in the Frank Crowley Courts Building.
2. Copies of this policy shall be made readily available to any person requesting same at no cost to the party requesting the information.
3. Request for copies of this policy shall be forwarded to the Legal Advisor who will ensure that the requested information is provided.