

	City of Rusk Police Department Policies and Procedures	
Chapter 2.2	Subject: Bias Based Policing	
References: Texas Best Practices Program: 2.01.	Issued: January 1, 2024 Effective: February 13, 2024	New: <input type="checkbox"/> Amends: <input checked="" type="checkbox"/> Rescinds: <input checked="" type="checkbox"/>
Issuing Authority:  <hr/> Scott L. Heagney Chief of Police	Distribution: All Members of the Rusk Police Department	

I. PURPOSE

- 1.1. The purpose of this order is to provide general guidance to employees on:
 - 1.1.1. Reducing the presence of bias in our law enforcement actions.
 - 1.1.2. To identify key contexts in which bias may influence these actions.
 - 1.1.3. To emphasize the importance of the constitutional guidelines within which we operate.
 - 1.1.3.1. Our success as a law enforcement agency is based on the respect we give to the public, and the respect members of the community observe toward law enforcement.
- 1.2. All people carry biases: in law enforcement, however, the failure to control our biases can lead to illegal arrests, searches, and detentions, thus thwarting the mission of our department.
- 1.3. Police actions guided by bias destroy the trust and respect essential for our mission to succeed as an organization.
 - 1.3.1. We live and work in a community that is very diverse in population.
 - 1.3.2. Respect for diversity and equitable enforcement of the law are essential to our mission.

II. POLICY

- 2.1 The Rusk Police Department shall show respect for constitutional rights in the performance of our duties.
- 2.2 Rusk Police Department employees shall exercise our sworn duties, responsibilities, and obligations in a manner that does not discriminate on the basis of ethnic background, gender, sexual orientation, religion, economic status, cultural group, race, sex, national origin, ethnicity, age, or any other identifiable group. **(TBP 2.01)**

- 2.3. All enforcement actions, particularly stops of individuals (for traffic and other purposes), investigative detentions, arrests, searches and seizures of persons or property, shall be based on the standards of reasonable suspicion or probable cause as required by the Fourth Amendment to the U. S. Constitution and statutory authority.
- 2.4. In all enforcement decisions, officers shall be able to articulate specific facts, circumstances, and conclusions which support probable cause or reasonable suspicion for arrests, searches, seizures, and stops of individuals.
- 2.5. Officers shall not stop, detain, arrest, search, or attempt to search anyone based solely upon the person's race, sex, sexual orientation, gender, national origin, ethnicity, age, or religion. (TBP 2.01)
 - 2.5.1. Officers shall base all such actions on a reasonable suspicion that the person or an occupant of a vehicle committed an offense.
- 2.6. All departmental orders are formed and guided by this directive. Nothing in this order limits non-enforcement contacts between officers and the public.

III. DEFINITIONS

- 3.1. These terms appear in the larger public discourse about alleged biased enforcement behavior and in other orders.
- 3.2. These definitions are intended to facilitate on-going discussion and analysis of our enforcement practices.
 - 3.2.1. **Bias:** Prejudice or partiality which may be based on preconceived ideas, a person's upbringing, culture, experience, or education.
 - 3.2.2. **Biased policing:** Stopping, detaining, searching, or attempting to search, or using force against a person based upon his or her race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group.
 - 3.2.3. **Ethnicity:** A cluster of characteristics which may include race but also cultural characteristics or traits which are shared by a group with a common experience or history.
 - 3.2.4. **Gender:** Unlike sex, a psychological classification based on cultural characteristics or traits.
 - 3.2.5. **Probable cause:** Facts or apparent facts and circumstances within an officer's knowledge and of which the officer had reasonable, trustworthy information to lead a reasonable person to believe that an offense has been or is being committed, and that the suspect has committed it.
 - 3.2.6. **Race:** A category of people of a particular decent, including Caucasian, African, Hispanic, Asian, or Native American descent.
 - 3.2.6.1. Distinct from ethnicity, race only refers to physical characteristics sufficiently distinctive to group people under a classification.



3.2.7. **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.

3.2.7.1. In its broadest sense, racial profiling is the practice by law enforcement officers to stop, search and investigate minorities, in a street stop (pedestrians) or traveling in a vehicle, based solely on stereotypes, their racial or ethnic background, rather than on actions and behaviors that give rise to reasonable suspicion or probable cause.

3.2.7.1.1. This has the end result of treating minorities significantly different than non-minority citizens.

3.2.7.1.2. This is a volatile issue which can polarize the police from the community we serve.

3.2.8. **Reasonable suspicion:** Articulable, objective facts which lead an experienced officer to suspect that a person has committed, is committing, or may be about to commit a crime.

3.2.8.1. A well-founded suspicion is based on the totality of the circumstances and does not exist unless it can be articulated.

3.2.8.2. Reasonable suspicion supports a stop of a person.

3.2.8.2. Courts require that stops based on reasonable suspicion be "objectively reasonable."

3.2.9. **Sex:** A biological classification, male or female, based on physical and genetic characteristics.

3.2.10. **Stop:** The detention of a subject for a brief period of time, based on reasonable suspicion.

3.2.10.1. A stop is an investigative detention.

3.2.10.2. A stop can occur on foot or in a vehicle.

IV. PROCEDURES

4.1. General Responsibilities

4.1.1. Officers are prohibited from engaging in bias-based profiling or stopping, detaining, searching, arresting, or taking any enforcement action including seizure or forfeiture activities, against any person based solely on the person's race, national origin, citizenship, religion, ethnicity, age, gender, color, creed, sexual orientation, disability, or economic status. (TBP: 2.01)

4.1.1.1. These characteristics, however, may form part of reasonable suspicion or probable cause when officers are seeking a suspect with one or more of these attributes. (TBP: 2.01)



- 4.1.2. Reasonable suspicion or probable cause shall form the basis for any enforcement actions or decisions.
 - 4.2.1.1. Individuals shall only be subjected to stops, seizures, or detention upon reasonable suspicion that they have committed, are committing, or are about to commit an offense.
 - 4.2.1.1.2. Officers shall document the elements of reasonable suspicion and probable cause in appropriate reports.
- 4.1.3. Officers shall observe all constitutional safeguards and shall respect the constitutional rights of all persons.
- 4.1.4. Traffic stops furnish a primary source of bias-related complaints.
 - 4.1.4.1. Officers shall have a firm understanding of the warrantless searches allowed by law, particularly the use of consent.
 - 4.1.4.1.1. How the officer disengages from a traffic stop may be crucial to a person's perception of fairness or discrimination.
- 4.1.5. Officers shall not use the refusal or lack of cooperation to justify a search of the person or vehicle or a prolonged detention once reasonable suspicion has been dispelled.
- 4.1.6. All personnel shall treat everyone with the same courtesy and respect that they would have others observe to department personnel.
 - 4.1.6.1. Personnel are reminded that the exercise of courtesy and respect engenders a future willingness to cooperate with law enforcement.
- 4.1.7. Personnel shall facilitate an individual's access to other governmental services whenever possible, and shall actively provide referrals to other appropriate agencies.
- 4.1.8. All personnel shall courteously accept, document, and forward to the Chief of Police any complaints made by an individual against any employee of the department.
 - 4.1.8.1. Officers shall provide information on the department's complaint process when asked.
- 4.1.9. Personnel shall offer explanations of the reasons for enforcement actions or other decisions that bear on individual's well-being unless the explanation would undermine an investigation or jeopardize an officer's safety.
 - 4.1.9.1. When concluding an encounter, personnel should thank him or her for cooperating.
- 4.1.10. When asked to provide your name and badge number, you shall identify yourself by your rank, name, and badge number.



4.1.10.1. You may also provide the name of your supervisor.

4.1.10.2. When a person asks for identifying information of other officers at a call, employees will take reasonable steps to provide information requested.

4.1.11. All personnel are accountable for their actions.

4.1.11.1. Personnel shall justify their actions when required.

4.2. **Supervisory Responsibilities**

4.2.1. Supervisors shall be held accountable for the observance of constitutional safeguards during the performance of their duties.

4.2.1.1. Supervisors shall identify and correct instances of bias in the work of their subordinates.

4.2.2. Supervisors shall use the disciplinary mechanisms of the department to ensure compliance with this order and the constitutional requirements of law enforcement.

4.2.3. Supervisors shall be mindful that in accounting for the actions and performance of subordinates, supervisors are essential in maintaining community trust in law enforcement.

4.2.3.1. Supervisors shall continually reinforce the ethics of impartial enforcement of the laws, and shall ensure that personnel, by their actions, maintain the community's trust in law enforcement.

4.2.4. Supervisors are reminded that biased enforcement of the laws engenders not only mistrust of law enforcement, but increases safety risks to personnel.

4.2.4.1. The lack of control over bias also exposes the department to liability consequences.

4.2.4.1.1. Supervisors shall be held accountable for repeated instances of biased enforcement of their subordinates.

4.2.5. Supervisors shall ensure that all enforcement actions are duly documented per departmental policy.

4.2.5.1. Supervisors shall ensure that all reports show adequate documentation of reasonable suspicion and probable cause, if applicable.

4.2.6. Supervisors shall facilitate the filing of any complaints about any member of the department or the delivery of law enforcement services.

4.2.7. Supervisors shall review in-car video or body camera video of each officer under their command every quarter (January, April, July, October).



- 4.2.7.1. The video review shall consist of at least 3 randomly selected videos. (TBP 2.01)
- 4.2.7.2. The purpose of this review is to ensure compliance with this and all other policies of the department.
- 4.2.7.3. The video reviews shall be documented on the prescribed form submitted to the Chief of Police.

4.3. **Disciplinary Consequences**

- 4.3.1. Actions prohibited by this order shall be cause for disciplinary action, up to and including dismissal.

4.4. **Training** (TBP: 2.01)

- 4.4.1. Officers shall complete all training required by state law regarding bias-based profiling.
 - 4.4.1.1. Officers shall receive annual in-service training on bias-based policing topics.

V. COMPLAINTS

- 5.1. The department shall publish the process on how to file a complaint on an officer or the department.
 - 5.1.1. The department's complaint process and its bias-based profiling policy will be posted on the department's website.
 - 5.1.2. Whenever possible, the media will be used to inform the public of the department's policy and complaint process.
- 5.2. Complaints alleging incidents of bias-based profiling will be fully investigated as described in the internal affairs investigation policy.
- 5.3. Complainants will be notified of the results of the investigations when such investigation is completed.

VI. DATA COLLECTION, RECORD KEEPING, AND REPORTING (TBP 2.01)

- 6.1. Pursuant to state law, the Rusk Police Department will collect, maintain and report all required data and records on traffic stops where a verbal warning, written warning, or citation is issued, or an arrest is made subsequent to the stop.
- 6.2. Annually, the Chief of Police will prepare a report for the city council and city manager regarding the analysis of the data and information which is collected.
- 6.3. Pursuant to state law, the Chief of Police will report annually to TCOLE, in the required format, the information, and data collected and analyzed by the department regarding racial profiling.

