



GENERAL ORDER 6.20

ISSUED: December 1, 2001

REVISED: August 19, 2016

EFFECTIVE: August 19, 2016

BIAS BASED PROFILING

Standards: 1.2.9a, 1.2.9b, 1.2.9c, 1.2.9d

6.20.01 PURPOSE.

The purpose of the policy is to reaffirm the Frisco 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.

6.20.02 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 local laws in a responsible and professional manner, without bias. Officers are strictly prohibited from engaging in bias based profiling as defined in this policy. This policy shall be applicable to all persons, whether drivers, passengers or pedestrians; traffic contacts, field contacts, and in asset seizure and forfeiture efforts. [1.2.9a]

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.

6.20.03 DEFINITIONS.

- A. **BIAS BASED PROFILING** – A law enforcement-initiated action based solely on a trait common to a group.
1. The Frisco Police Department is prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted by the City of Frisco. Remedies and complaint filing deadlines vary by program or incident.
 2. Bias based 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.

3. The prohibition against bias based 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.
 4. Examples of bias based profiling include but are not limited to the following:
 - a. 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.
 - b. 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.
 - c. 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.
 5. A law enforcement agency can derive two principles from the adoption of this definition of bias based profiling:
 - a. Police may not use bias as a factor in selecting whom to stop and search, while police may use race in conjunction with other known factors of the suspect.
 - b. Law enforcement officers may not use bias as a factor in selecting whom to stop and search. Bias based profiling is not relevant as it pertains to witnesses, etc.
- B. RACE OR ETHNICITY – Of a particular descent, including but not limited to Caucasian, African, Hispanic, Asian, Native American, or Middle Eastern.
- C. MOTOR VEHICLE STOP – A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance regulating traffic.

6.20.04 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. Officers will attend and successfully complete any training as required by the department regarding bias based profiling. The department will offer training on bias based profiling that includes field contacts, traffic stops, search issues, asset seizure and forfeiture, interview techniques, cultural diversity, discrimination, and community support. [1.2.9b]

6.20.05 COMPLAINT INVESTIGATION.

- A. The department shall accept complaints from any person who believes he or she has been stopped or searched based on racial, ethnic or national origin profiling. 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 bias based profiling, including the officer who initiated the stop, shall record the person's name, address and telephone number, and forward the complaint

through the appropriate channel or direct the individual(s) to a supervisor. Any employee contacted shall provide to that person a copy of a complaint form or the department process for filing a complaint. All employees will report any allegation of bias based to their superior before the end of their shift.

- C. Investigation of a complaint shall be conducted in a thorough and timely manner and in accordance with G. O. 3.05 Professional Standards. [1.2.9c]
- D. If there is a departmental video or audio recording of the events upon which a complaint of bias based profiling is related to, upon commencement of an investigation by this department into the complaint and written request of the officer made the subject of the complaint, this department shall promptly provide a copy of the recording to that officer.

6.20.06 PUBLIC EDUCATION.

This department will inform the public of its policy against bias based 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, Department Social Media, as well as governing board meetings. Additionally, information will be made available as appropriate in languages other than English.

6.20.07 USE OF VIDEO AND AUDIO EQUIPMENT.

- A. 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 recording equipment; and
- B. Each motor vehicle and pedestrian stop made by an officer of this department that is capable of being recorded by video and audio, is recorded.
- C. This department shall retain the video of each motor vehicle 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 bias based profiling with respect to a traffic or pedestrian stop, this department shall retain the video of the stop until final disposition of the complaint.
- D. Supervisors will ensure officers of this department are recording their motor vehicle and pedestrian stops. A recording of each officer will be reviewed at least once every ninety (90) days.
- E. If the equipment used to record audio and/or video of motor vehicle or pedestrian stops is malfunctioning or otherwise not operable, the officer making the stop may properly record and report the information as required in 6.20.08.
- F. In circumstances where an Officer's video and audio equipment is not functioning or not available officers are still required to collect the required bias based profiling data. This can be accomplished by communicating the data to dispatch at a later time, filling out a motor vehicle data collection form and submitting it, or the officer himself enters the required data via the MDC as soon as practical after the stop is completed.

6.20.08 REQUIRED BIASED BASED PROFILING DATA TO BE COLLECTED.

- A. Officers should collect all of the required biased based profiling data as outlined in the Texas Code of Criminal Procedure Section 2.133.

6.20.09 REPORTING DATA.

Not later than 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 for motor vehicle operators only:


1. a breakdown of citations by race or ethnicity;
2. a breakdown of whether race/ethnicity was known prior to a motor vehicle stop;
3. a breakdown of initial reasons for motor vehicle stop;
4. number of citations that resulted in a search;
5. number of searches that were consensual; and
6. number of citations that resulted in custodial arrest for this cited violation or any other violation.

6.20.10 ANNUAL REVIEW. [1.2.9d]

An annual review, of the above reporting data to include complaints, will be submitted to the Chief of Police. This report will be created out of the office of the Assistant Chief. This report will review agency practices, to include any racial or bias complaints. It will also outline any citizen concerns that have been made available to the department.

6.20.11 PRIOR ORDERS.

From and after the effective date of issuance of this order, it shall be in full force and shall govern the operations of this department with regard to its subject matter. Former orders, policies, directives and memoranda relating to the subject matter are hereby specifically revoked and they shall be of no force and effect from and after the date of issuance of this order.



John W. Bruce 8/19/16
Chief of Police Date