

## Bias-Based Policing

### 401.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the Webster Police Department's commitment to policing that is fair and objective.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach and partnerships).

#### 401.1.1 DEFINITIONS

Definitions related to this policy include:

**Bias-based policing or improper profiling** - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin (including limited English proficiency), religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement (Tex. Code of Crim. Pro. art. 2B.0051). This includes explicit and implicit biases (i.e., conscious and unconscious beliefs or attitudes toward certain groups).

### 401.2 POLICY

The Webster Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural, or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly, objectively, and without discrimination toward any individual or group (Tex. Code of Crim. Pro. art. 2B.0053).

### 401.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

### 401.4 MEMBER RESPONSIBILITIES

Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any bias-based actions by another member.

# Webster Police Department

## Policy Manual

### *Bias-Based Policing*

---

#### 401.4.1 REASON FOR CONTACT

Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report, field interview (FI) card), the involved officer should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

#### 401.4.2 REPORTING TRAFFIC STOPS

The Operations Division Commander should ensure that the Department has appropriate systems in place to collect information required by state racial profiling laws.

Each time an officer makes a traffic stop, the officer shall gather the required information using the system in place for racial profiling reporting (Tex. Code of Crim. Pro. art. 2B.0054).

### **401.5 SUPERVISOR RESPONSIBILITIES**

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

- (a) Supervisors should discuss any issues with the involved officer and their supervisor in a timely manner.
  - 1. Supervisors should document these discussions in the prescribed manner.
- (b) Supervisors should periodically review Mobile Audio/Video (MAV) recordings, body-worn camera (BWC) media, Mobile Computer Terminal (MCT) data, and any other available resource used to document contact between officers and the public to ensure compliance with this policy (Tex. Code of Crim. Pro. art. 2B.0151).
  - (a) Supervisors should document these periodic reviews.
  - (b) At least every six months, supervisory reviews shall include at least three random BWC and/or MAV videos for each officer.
  - (c) Recordings or data that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.
- (c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.
- (d) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning bias-based policing.

#### 401.5.1 MINIMUM REVIEW REQUIREMENTS

Supervisors will ensure officers of this department are recording their traffic and pedestrian stops by using in car and body worn cameras. At least every six months, supervisory reviews shall

# Webster Police Department

## Policy Manual

### *Bias-Based Policing*

---

include at least three random BWC and/or MAV videos for each officer. Supervisor video reviews will be documented as instructed by the Division Commander.

#### **401.6 STATE REPORTING**

The Chief of Police shall submit a report to the Texas Commission on Law Enforcement (TCOLE) and to each governing body served by the Department by March 1 of each year in accordance with Tex. Code of Crim. Pro. art. 2B.0055.

The report may not include identifying information about the officer who made the traffic stop or about any individual who was stopped or arrested (Tex. Code of Crim. Pro. art. 2B.0055).

#### **401.7 ADMINISTRATION**

The Operations Division Commander should review the efforts of the Department to provide fair and objective policing and submit an annual report, including public concerns and complaints, to the Chief of Police. The report should also include a documented review of department activities with potential for bias. This may include traffic and field contacts, asset forfeiture efforts, citizen complaints, and any corrective measures taken. The annual report should not contain any identifying information about any specific complaint, member of the public, or officer. It should be reviewed by the Chief of Police to identify any changes in training or operations that should be made to improve service (Tex. Code of Crim. Pro. art. 2B.0053).

Supervisors should review the annual report and the report submitted to TCOLE and discuss the results with those they are assigned to supervise.

#### **401.8 COMPLIMENTS AND COMPLAINTS**

The Operations Division Commander is responsible for educating the public on the department's compliment and complaint process (see the Personnel Complaints Policy). This education may be achieved by information provided through the department website. This information shall include the telephone number, mailing address, and email address to make a compliment or complaint regarding a ticket, citation, or warning issued by an officer.

In the event that an investigation is initiated against an officer for a violation of this policy, the Operations Division Commander should ensure that a copy of any related recording is provided as soon as practicable to the officer upon written request (Tex. Code of Crim. Pro. art. 2B.0053).

#### **401.9 TRAINING**

Training on fair and objective policing and review of this policy shall be conducted annually and include:

- (a) Explicit and implicit biases.
- (b) Avoiding improper profiling.