

Ordinance No. 2001.24  
Village of Salado  
County of Bell  
State of Texas  
December 6, 2001

**AN ORDINANCE AUTHORIZING AND APPROVING THE ADOPTION OF A POLICY ON RACIAL PROFILING BY THE VILLAGE OF SALADO POLICE DEPARTMENT; PROVIDING A SAVINGS CLAUSE AND PROVIDING A SEVERABILITY CLAUSE.**

**WHEREAS**, the Village of Salado, Texas was incorporated as a Type B Municipality pursuant to the Local Government Code of the State of Texas on the 15<sup>th</sup> day of August, 2000; and

**WHEREAS**, the Village has established a Municipal Police Department; and

**WHEREAS**, State and Federal laws and statutes mandate that the Municipal Police Department adopt a policy on Racial Profiling; and

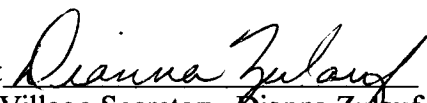
**WHEREAS**, the Village of Salado Municipal Police Department has proposed such a policy;

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE VILLAGE OF SALADO, THAT:**

1. The Village of Salado hereby adopts the "Policy on Racial Profiling" proposed by the Municipal Police Department of the Village of Salado, attached hereto as "Exhibit A".
2. It is hereby declared to be the intention of the Board of Aldermen that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity, shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this ordinance, since the same would have been enacted by the Board of Aldermen without the incorporation in this ordinance of any such invalid phrase, clause, sentence, paragraph or section.
3. This ordinance shall take effect from the date of its passage, and it is so ordained.

Signed this 6<sup>th</sup> day of December, 2001.

  
Mayor Charlotte Douglas

Attest   
Village Secretary, Dianna Zulauf

## RACIAL PROFILING

EFFECTIVE DATE 12-01-01

Good policing of necessity, involves the lawful exercise of discretion. Law enforcement officers must make decisions that balance the need for public order and safety with the legal protection guaranteed to all citizens. Law enforcement officers' decisions and behavior must therefore be lawful and sensitive to individual rights and liberties. The Salado Police Department does not condone the use of any practices that diminish the constitutionality of law enforcement practices, and undermine community confidence in the police, including racial profiling.

This policy is intended to affirm the Salado Police Department's commitment to unbiased policing, to clarify the circumstances in which officers can consider race/ethnicity, gender, sexual orientation, or religion when making law enforcement decisions, and to re-reinforce procedures that serve to assure the public that we are providing service and enforcing laws in an equitable way.

**.01 Racial Profiling Defined Article 2.132.b(1)**

Biased-Based Policing (*racial profiling*) is the selection of individuals for law enforcement initiated action based solely on **race, ethnic background, gender, sexual orientation, and /or religion**; rather on the individual's behavior, or on information identifying the individual as having engaged in some form of criminal activity.

**.02 Prohibition Against Racial Profiling Article 2.132.b(2)**

Members of the Salado Police Department shall not engage in any form of Biased-Based Policing (**Racial Profiling**) with regard to citizen contacts of any type, or the seizure of assets or property.

- A. Investigative detentions, traffic stops, arrests, searches, and property seizures by officers will be based on a standard of reasonable suspicion or probable cause in accordance with the Fourth Amendment of the U.S. Constitution. Officers must be able to articulate specific facts and circumstances that support reasonable suspicion or probable cause for investigative detentions, traffic stops, arrests, nonconsensual searches, and property seizures.
- B. Except as provided in paragraph C below, officers shall not consider race/ethnicity, gender, sexual orientation, or religion in establishing either reasonable suspicion or probable cause. Similarly, except as provided below, officers shall not consider race/ethnicity, gender, sexual orientation or religion in deciding to initiate even those nonconsensual encounters that do not amount to legal detentions or to request consent to search.

- C. Officers may take into account the reported race/ethnicity, gender, sexual orientation or religion of a specific suspect or suspects based on trustworthy, locally relevant information that links a person or persons of a specific race/ethnicity, gender, sexual orientation or religion to a particular unlawful incident(s).
- D. Race/ethnicity, gender, sexual orientation, or religion can never be used as the sole basis for probable cause or reasonable suspicion.

**.03 Complaint process *Article 2.132.b(3)***

Any person who believes that he or she has been stopped, arrested, searched, or otherwise detained by an officer based solely on his or her race, ethnic background, gender, sexual orientation, or religion may file a complaint against that officer by:

- a. Making a complaint to the employees' supervisor or
- b. Filling out a complaint/commendation form which can be obtained at the City Secretary located at the Salado Police Department/Municipal Building.
- c. Complaints received by the Salado Police Department shall be investigated by the Chief of Police or an independent investigation by the Mayor or designee if the complaint is against the Chief of Police.

**.04 Disciplinary Action to be Taken for Racial Profiling *Article 2.123.b(5)***

Officers found to have engaged in Racial Profiling shall be subject to disciplinary action, up to and including termination.

**.05 Training and Education**

**A. Employee Training**

All members of the Salado Police Department shall receive training on this policy, and on the various types of Biased-Based Policing, as soon as possible after the effective date of this policy. All new employee hired after this policy takes effect shall receive this training during their orientation period.

**B. In Service Training**

The Chief of Police or his designee (Training Coordinator) shall provide annual updates and refresher training on the topic of Biased Based Policing (**Racial Profiling**) during regularly scheduled in-service sessions.

**C. Public Education *Article 2.132.b(4)***

The Chief of Police or his designee will periodically provide public education information relating to the Department's stance against Racial Profiling and the departments complaint process.

**.06 Data Collection Required Article 2.132.b(6)**

**The Department shall maintain a database of information relating to all traffic and pedestrian stops resulting in citations and/or arrests. This information will include:**

- a. The Ethnicity/Race of the individual detained,**
- b. Whether a search was conducted, and if so**
- c. Whether the person consented to the search.**

**.07 Analysis and Reporting Article 2.132.b(7)**

**A. Quarterly Evaluation**

An analysis report based on the data collected above shall be submitted to the Chief of Police quarterly. The purpose of this analysis shall be

1. To determine if there is Racial Profiling by police officers in Salado; and
2. Examine the disposition of traffic stops identified in .06 above; and
3. To gather information relating to each complaint filed with the agency alleging that an officer has engaged in Racial Profiling.

**B. Annual Report**

By March 1<sup>st</sup> of each calendar year, the Chief of Police will submit an annual report to the Mayor based upon the information gathered in the quarterly analysis. This report will not contain information specific to the officer involved or to the individual who was stopped. (2.132.d)

**.08 Retention of Audio and Video Tapes Article 2.132b**

In all cases, video and audio recordings will be maintained by the department for a period of not less than 90 days. If a complaint is filed alleging that an officer engaged in Racial Profiling as defined and prohibited by this General Order, the video and/or audio recording shall be maintained until the final disposition of the complaint.

**.09 False and Malicious Reports**

On any complaint filed by a citizen who willfully makes a **false report** for the purpose of harming the **Officer**, the **Salado Police Department**, or **The Village of Salado** may be subject to criminal charges of **False Report to a Peace Officer** as defined in the Texas Penal Code Section 37.08. Civil Penalties may also be pursued by the parties intended to be injured.

**.10 Review and Update**

This policy will be reviewed annually by the Chief Of Police.