

	GENERAL ORDER Effective: 02-28-2022	# 03-03
	Section: Management and Supervision	Replaces or Modifies: GO 03-03
	Title: Racial Profiling Issued by: Chief Deputy Mattie Provost	

I. Purpose:

To provide officers with guidelines on the prohibition of racial profiling in accordance with the Texas Code of Criminal Procedure [CCP] (Article 2.131).

II. Policy Statement:

It is the policy of the Fort Bend County Sheriff’s Office (FBCSO) to police in a proactive manner and to investigate suspected violations of the law. Officers shall actively enforce state laws in a responsible and professional manner, without regard to race.

III. Definitions:

Officer - An employee or reserve deputy of the FBCSO who is appointed as a Peace Officer

Agency – Fort Bend County Sheriff’s Office

Field Contact – When an officer interacts with someone reasonably believed to be a suspect or potential suspect of criminal activity.

Traffic Stop – Means an occasion in which an officer stops a motor vehicle for a suspected violation of a law.

Race - Means of a particular descent, examples - Caucasian, African, Hispanic, Asian, Native American, or Middle Eastern (for purposes of this General Order also includes the term ethnicity).

Racial Profiling – A law enforcement initiated action based solely on an individual’s race rather than on the individual’s behavior or on information identifying the individual as having engaged in criminal activity. Racial 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.

Approved FBCSO Documentation – Means the currently approved (as amended) traffic citation & warning, criminal warning, field contact, and parking citation & warning form. These are either in handwritten versions or computer entry versions. All traffic stops are to be documented in this manner. Field contacts are documented in this manner and/or in an Incident/Offense report submitted into the Records Management System.

IV. Details and Procedures

A. Officers are prohibited from engaging in racial profiling – this prohibition against racial profiling

does not categorically preclude the race, ethnicity, national origin, gender, sexual orientation, religion, economic status, age, cultural group or other identifiable group as factors in an arrest/detention decision. These may be legitimate factors in an arrest/detention decision when used as part of an actual description of a specific suspect for whom an officer is searching.

B. The FBCSO shall accept complaints from any person who believes that an officer has engaged in racial profiling in respect to the person

1. These complaints will be investigated in accordance with General Order(s) and applicable Civil Service Rules providing guidance on investigations concerning allegations of employee misconduct.
2. Any sustained violation of this General Order will be handled with disciplinary action that complies with provisions of discipline found in the General Orders detailing disciplinary action and in accordance with Civil Service Rules as applicable.
3. The FBCSO website will provide citizens education on how to file a compliment or complaint against any employee. This information will include but is not limited to providing the telephone number, mailing address, and an e-mail address to make a compliment or complaint with respect to each ticket, citation, or warning issued by peace officers of the FBCSO.

C. Data Collection and Reporting

1. Officers will collect information relating to each traffic stop including but not limited to the following information and report same via approved FBCSO documentation (issuance of a written traffic citation or written traffic warning at a minimum): [citation includes the term ticket]
 - a. race or ethnicity of the person stopped;
 - b. whether a search was conducted and if so, whether the person stopped consented to the search;
 - c. whether the officer knew the race of the person stopped before stopping the person;
 - d. whether the officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07 of the Texas Penal Code, during the stop;
 - e. the location of the stop; and
 - f. the reason for the stop
2. Officers will collect information relating to each field contact and report each field contact that is not a traffic stop via approved FBCSO documentation means in a similar manner to C. 1. preceding.
3. Officers will make all reasonable efforts to complete documentation in a thorough and accurate manner. This includes completion of all applicable fields of entry and with legible handwriting as applicable.
4. Annually the Commander over the Patrol Division will ensure that reports required by State Law are submitted concerning racial profiling. The Commander will ensure that the Chief Deputy receives the report prior to dissemination to others. State Law Reference is CCP Article 2.132 (b)(7)(A)(B) & (e) as amended.

- a. The Commander over Patrol is tasked with insuring that the FBCSO complies with provisions of CCP Article 2.135 concerning a partial exemption for agencies using video and audio in reference to reporting requirements. In this regard, the Patrol Division Commander has supervisory oversight and authority over any FBCSO vehicle regularly used to make traffic stops (regardless of divisional assignment).
 - b. The Commander over Patrol is to review the data collected under III.A. of this General Order each year to identify any improvements the FBCSO could make in its practices and policies regarding motor vehicle stops. Any such recommendations shall be presented to the Chief Deputy. [State Law Reference is CCP Article 2.132 (h)].
5. Random reviews and audits of traffic stop videos will be conducted by patrol sergeants and lieutenants. The random reviews and audits will be conducted in such a manner so as to ensure that each deputy's traffic stop videos are reviewed at least once each quarter.
 6. Random reviews and audits of offense reports will be conducted each quarter by patrol sergeants and lieutenants to ensure that offense/ incident reports accurately reflect traffic stops as depicted in the traffic stop videos.

D. Audio and Video

1. Each FBCSO law enforcement motor vehicle (excluding motorcycles) regularly used by officers to make traffic stops shall be equipped with video camera and transmitter-activated equipment.
2. The operator of each FBCSO law enforcement motorcycle regularly used to make traffic stops shall be equipped with a minimum of audio recording capability. As funds allow, motorcycles may also be equipped with approved video cameras.
3. Each traffic stop made by an officer that is capable of being recorded by video and audio or audio equipment shall be recorded by using the equipment.
4. Officers are to also refer to General Order 03-05 for further guidance on the issue of recording devices.

E. Standards for Reviewing Video and/or Audio (legal reference CCP Article 2.132(d))

1. The Commander over the Patrol Division shall appoint at least one Supervisor per shift to make random reviews of video/audio recorded on traffic stops / field contacts. The Commander will take steps to ensure that the random process ensures that at some point all officers have at least a portion of one of his or her videos/audios reviewed within each 90 day period. The Commander shall designate which supervisors have access to the video/audio files.
2. Lieutenants in the Patrol Division shall make similar reviews of video / audio recorded by Sergeants under their command.
3. Targeted review of an officer's video/audio shall also be initiated by supervisory personnel in response to issues found (including but not limited to complaints and viewed deficiencies).

F. Records Retention

1. The FBCSO shall retain any video and audio documentation of each traffic stop and field contact for at least 90 days after the date of the stop. If a complaint is filed with the FBCSO alleging that an officer has engaged in racial profiling with respect to a traffic stop or field contact, the FBCSO shall retain any video and audio record of the stop until final disposition of the complaint. (This is dictated by CCP Article 2.135(b) and as such if this article is amended, the amended provisions take precedence over this General Order and will be followed)
2. In addition to this - no record will be destroyed if such destruction would violate a Law, it is subject to any pending legal action or notice of legal action, or it is the subject of a pending public information request.
3. If a provision of the Texas State Library and Archives Commission's retention schedules (Local Schedules GR [Records Common to All Local Governments] and PS [Records of Public Safety Agencies]) requires a longer retention period, then that will be the standard followed by the FBCSO. See also General Order 03-05 "Recording Devices" section on records retention.

G. Only the Sheriff or Chief Deputy may authorize exceptions to this General Order.