

RENO POLICE DEPARTMENT



RACIAL PROFILING REPORT

2020



Reno Police and Public Safety Services
City of Reno

160 Blackburn Street, Reno, TX 75462
(903)785-1744-main/ (903)783-0463-fax

Chief of Police Jeremy S. Massey

Lieutenant David Jernigan

To: Reno City Council

From: Jeremy S. Massey, Chief of Police, Reno Police Department

Date: January 4, 2021

Subject: Reno Police Department 2020 Racial profiling report

In 2001 the state of Texas took steps to combat racial profiling in policing by passing the racial profiling law. Since then, Reno Police Department, in response to the law being passed, has enacted policies and general orders to ensure its officers are abiding by those laws and ensuring its officers use only information based on standards of reasonable suspicion and probable cause as required by the 4th Amendment of the US Constitution and statutory authority.

Also in response to the law, Reno Police Department makes a complaint form readily available in the public areas of City Hall near the billing windows and in the Police Department lobby. Racial profiling is also a priority on the department's webpage where anyone can find a copy of the complaint form.

In addition to the 2020 Racial Profiling Report and data, you'll find a copy of the Racial Profiling law, a copy of the department's policy on Racial or Biased Based Profiling, and a copy of Reno Police Department complaint form.

This report covers all of 2020 and is further documentation that Reno Police Department is in compliance with the law regarding racial profiling and is proactive and transparent regarding this issue.

If you should have any questions about this report, please feel free to contact me at any time.

Sincerely,

A handwritten signature in dark ink, appearing to read "J. Massey", is written over a printed name.

Jeremy S. Massey

Chief of Police

Reno Police Department

Racial Profiling Report | Full

Agency Name: RENO POLICE DEPARTMENT

Reporting Date: January 2020 - December 2020

TCOLE Agency Number: 277206

Chief Administrator: JEREMY MASSEY

Agency Contact

Phone: (903)785-1744

Email: JEREMY@RENOTEXAS.US

Mailing Address:

160 BLACKBURN ST. RENO, TX 75462

This Agency filed a full report

RENO POLICE DEPARTMENT has adopted a detailed written policy on racial profiling. Our policy:

- (1) clearly defines acts constituting racial profiling;
- (2) strictly prohibits peace officers employed by the RENO POLICE DEPARTMENT from engaging in racial profiling;
- (3) implements a process by which an individual may file a complaint with the RENO POLICE DEPARTMENT if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;
- (4) provides public education relating to the agency's complaint process;
- (5) requires appropriate corrective action to be taken against a peace officer employed by the RENO POLICE DEPARTMENT who, after an investigation, is shown to have engaged in racial profiling in violation of the RENO POLICE DEPARTMENT policy;
- (6) requires collection of information relating to motor vehicle stops in which a citation is issued and to arrests made as a result of those stops, including information relating to:
 - (A) the race or ethnicity of the individual detained;
 - (B) whether a search was conducted and, if so, whether the individual detained consented to the search;
 - (C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual;
 - (D) whether the peace officer used physical force that resulted in bodily injury during the stop;
 - (E) the location of the stop;
 - (F) the reason for the stop;

(7) requires the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:

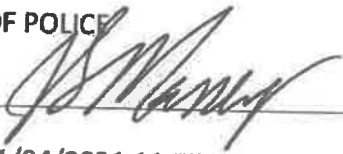
(A) the Commission on Law Enforcement; and

(B) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

The RENO POLICE DEPARTMENT has satisfied the statutory data audit requirements as prescribed in Article 2.133(c), Code of Criminal Procedure during the reporting period.

Executed by: JEREMY MASSEY

CHIEF OF POLICE

A handwritten signature in dark ink, appearing to read 'J. Massey', is written over a horizontal line.

Date: 01/04/2021 11:55

Motor Vehicle Racial Profiling Information

Total stops: 820

Street address or approximate location of the stop

City street: 101

US highway: 602

County road: 1

State Highway: 114

Private property or other: 2

Was race or ethnicity known prior to stop?

Yes: 1

No: 819

Race / Ethnicity

Alaska Native/American Indian: 3

Asian / Pacific Islander: 3

Black: 105

White: 664

Hispanic/Latino: 45

1. Gender

Female:

Total 354

Alaska Native/American Indian 2

Asian / Pacific Islander 0

Black 45

White 292 Hispanic/Latino 15

Male:

Total 466

Alaska Native/American Indian 1

Asian / Pacific Islander 3

Black 60

White 372 Hispanic/Latino 30

Reason for stop?

Violation of law:

Total 7

Alaska Native/American Indian 0

White 4 Hispanic/Latino 2

Asian / Pacific Islander 1

Black 0

Pre existing knowledge:

Total 0

Alaska Native/American Indian 0

White 0 Hispanic/Latino 0

Asian / Pacific Islander 0

Black 0

Moving traffic violation:

Total 478

Alaska Native/American Indian 1

White 397 Hispanic/Latino 25

Asian / Pacific Islander 1

Black 54

Vehicle traffic violation:

Total 335

Alaska Native/American Indian 2

White 263 Hispanic/Latino 18

Asian / Pacific Islander 1

Black 51

Was a search conducted?

Yes:

Total 54

Alaska Native/American Indian 0

White 41 Hispanic/Latino 3

Asian / Pacific Islander 0

Black 10

No:

Total 766

Alaska Native/American Indian 3

White 623 Hispanic/Latino 42

Asian / Pacific Islander 3

Black 95

Reason for Search?

Consent:

Total 34

Alaska Native/American Indian 0

White 28 Hispanic/Latino 2

Asian / Pacific Islander 0

Black 4

Contraband:

Total 0

Alaska Native/American Indian 0

White 0 Hispanic/Latino 0

Asian / Pacific Islander 0

Black 0

Probable cause:**Total** 10**Alaska Native/American Indian** 0**White** 5 **Hispanic/Latino** 1**Asian / Pacific Islander** 0**Black** 4**Inventory:****Total** 4**Alaska Native/American Indian** 0**White** 2 **Hispanic/Latino** 0**Asian / Pacific Islander** 0**Black** 2**Incident to arrest:****Total** 6**Alaska Native/American Indian** 0**White** 6 **Hispanic/Latino** 0**Asian / Pacific Islander** 0**Black** 0**Was Contraband discovered?****Yes:****Total** 22**Alaska Native/American Indian** 0**Asian / Pacific Islander** 0**Black** 2**White** 18**Hispanic/Latino** 2**Did the finding result in arrest?**
(total should equal previous column)**Yes** 0 **No** 0**Yes** 0 **No** 0**Yes** 1 **No** 1**Yes** 5 **No** 13**Yes** 1 **No** 1**No:****Total** 32**Alaska Native/American Indian** 0**White** 23 **Hispanic/Latino** 1**Asian / Pacific Islander** 0**Black** 8**Description of contraband****Drugs:****Total** 8**Alaska Native/American Indian** 0**White** 6 **Hispanic/Latino** 0**Asian / Pacific Islander** 0**Black** 2

Currency:

Total 0

Alaska Native/American Indian 0

White 0 Hispanic/Latino 0

Asian / Pacific Islander 0

Black 0

Weapons:

Total 0

Alaska Native/American Indian 0

White 0 Hispanic/Latino 0

Asian / Pacific Islander 0

Black 0

Alcohol:

Total 12

Alaska Native/American Indian 0

White 10 Hispanic/Latino 2

Asian / Pacific Islander 0

Black 0

Stolen property:

Total 0

Alaska Native/American Indian 0

White 0 Hispanic/Latino 0

Asian / Pacific Islander 0

Black 0

Other:

Total 2

Alaska Native/American Indian 0

White 2 Hispanic/Latino 0

Asian / Pacific Islander 0

Black 0

Result of the stop**Verbal warning:**

Total 0

Alaska Native/American Indian 0

White 0 Hispanic/Latino 0

Asian / Pacific Islander 0

Black 0

Written warning:

Total 613

Alaska Native/American Indian 2

White 504 Hispanic/Latino 29

Asian / Pacific Islander 3

Black 75

Citation:

Total 191

Alaska Native/American Indian 1

White 149 Hispanic/Latino 15

Asian / Pacific Islander 0

Black 26

Written warning and arrest:

Total 0

Alaska Native/American Indian 0

White 0 Hispanic/Latino 0

Asian / Pacific Islander 0

Black 0

Citation and arrest:

Total 7

Alaska Native/American Indian 0

White 6 Hispanic/Latino 0

Asian / Pacific Islander 0

Black 1

Arrest:

Total 9

Alaska Native/American Indian 0

White 5 Hispanic/Latino 1

Asian / Pacific Islander 0

Black 3

Arrest based on

Violation of Penal Code:

Total 3

Alaska Native/American Indian 0

White 1 Hispanic/Latino 0

Asian / Pacific Islander 0

Black 2

Violation of Traffic Law:

Total 2

Alaska Native/American Indian 0

White 2 Hispanic/Latino 0

Asian / Pacific Islander 0

Black 0

Violation of City Ordinance:

Total 0

Alaska Native/American Indian 0

White 0 Hispanic/Latino 0

Asian / Pacific Islander 0

Black 0

Outstanding Warrant:

Total 11

Alaska Native/American Indian 0

White 8 Hispanic/Latino 1

Asian / Pacific Islander 0

Black 2

Was physical force resulting in bodily injury used during stop

Yes:

Total 0

Alaska Native/American Indian 0

Asian / Pacific Islander 0

Black 0

White 0 **Hispanic/Latino** 0

No:

Total 820

Alaska Native/American Indian 3

Asian / Pacific Islander 3

Black 105

White 664 **Hispanic/Latino** 45

Number of complaints of racial profiling

Total 0

Resulted in disciplinary action 0

Did not result in disciplinary action 0

Submitted electronically to the



The Texas Commission on Law Enforcement

RACIAL PROFILING ANALYSIS **January 2020 - December 2020**

RENO POLICE DEPARTMENT
 160 BLACKBURN ST.
 RENO, TX 75462

Race/Ethnicity	Contacts		Searches		Consent Searches		PC Searches		Custody Arrest	
	N	%	N	%	N	%	N	%	N	%
Caucasian	664	81.0%	41	75.9%	28	82.4%	13	65.0%	11	68.8%
African American	105	12.8%	10	18.5%	4	11.8%	6	30.0%	4	25.0%
Hispanic	45	5.5%	3	5.6%	2	5.9%	1	5.0%	1	6.3%
Asian	3	.4%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Native American	3	.4%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Middle Eastern	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Total	820		54		34		20		16	

Art. 2.132. LAW ENFORCEMENT POLICY ON RACIAL PROFILING.

(a) In this article:

(1) "Law enforcement agency" means an agency of the state, or of a county, municipality, or other political subdivision of the state, that employs peace officers who make motor vehicle stops in the routine performance of the officers' official duties.

(2) "Motor vehicle stop" means an occasion in which a peace officer stops a motor vehicle for an alleged violation of a law or ordinance.

(3) "Race or ethnicity" means the following categories:

- (A) Alaska native or American Indian;
- (B) Asian or Pacific Islander;
- (C) black;
- (D) white; and
- (E) Hispanic or Latino.

(b) Each law enforcement agency in this state shall adopt a detailed written policy on racial profiling. The policy must:

(1) clearly define acts constituting racial profiling;

(2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;

(3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;

(4) provide public education relating to the agency's compliment and complaint process, including providing the telephone number, mailing address, and e-mail address to make a compliment or complaint with respect to each ticket, citation, or warning issued by a peace officer;

(5) require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article;

(6) require collection of information relating to motor vehicle stops in which a ticket, citation, or warning is issued and to arrests made as a result of those stops, including information relating to:

(A) the race or ethnicity of the individual detained;

(B) whether a search was conducted and, if so, whether the individual detained consented to the search;

(C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual;

(D) whether the peace officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code, during the stop;

(E) the location of the stop; and

(F) the reason for the stop; and

(7) require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:

(A) the Texas Commission on Law Enforcement; and

(B) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

(c) The data collected as a result of the reporting requirements of this article shall not constitute prima facie evidence of racial profiling.

(d) On adoption of a policy under Subsection (b), a law enforcement agency shall examine the feasibility of installing video camera and transmitter-activated equipment in each agency law enforcement motor vehicle regularly used to make motor vehicle stops and transmitter-activated equipment in each agency law enforcement motorcycle regularly used to make motor vehicle stops. The agency also shall examine the feasibility of equipping each peace officer who regularly detains or stops

motor vehicles with a body worn camera, as that term is defined by Section 1701.651, Occupations Code. If a law enforcement agency installs video or audio equipment or equips peace officers with body worn cameras as provided by this subsection, the policy adopted by the agency under Subsection (b) must include standards for reviewing video and audio documentation.

(e) A report required under Subsection (b)(7) may not include identifying information about a peace officer who makes a motor vehicle stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the collection of information as required by a policy under Subsection (b)(6).

(f) On the commencement of an investigation by a law enforcement agency of a complaint described by Subsection (b)(3) in which a video or audio recording of the occurrence on which the complaint is based was made, the agency shall promptly provide a copy of the recording to the peace officer who is the subject of the complaint on written request by the officer.

(g) On a finding by the Texas Commission on Law Enforcement that the chief administrator of a law enforcement agency intentionally failed to submit a report required under Subsection (b)(7), the commission shall begin disciplinary procedures against the chief administrator.

(h) A law enforcement agency shall review the data collected under Subsection (b)(6) to identify any improvements the agency could make in its practices and policies regarding motor vehicle stops.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 25, eff. September 1, 2009.

Acts 2013, 83rd Leg., R.S., Ch. 93 (S.B. 686), Sec. 2.05, eff. May 18, 2013.

Acts 2017, 85th Leg., R.S., Ch. 173 (H.B. 3051), Sec. 1, eff. September 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 950 (S.B. 1849), Sec. 5.01, eff. September 1, 2017.

Art. 2.133. REPORTS REQUIRED FOR MOTOR VEHICLE STOPS. (a) In this article, "race or ethnicity" has the meaning assigned by Article 2.132(a).

(b) A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance shall report to the law enforcement agency that employs the officer information relating to the stop, including:

(1) a physical description of any person operating the motor vehicle who is detained as a result of the stop, including:

(A) the person's gender; and

(B) the person's race or ethnicity, as stated by the person or, if the person does not state the person's race or ethnicity, as determined by the officer to the best of the officer's ability;

(2) the initial reason for the stop;

(3) whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;

(4) whether any contraband or other evidence was discovered in the course of the search and a description of the contraband or evidence;

(5) the reason for the search, including whether:

(A) any contraband or other evidence was in plain view;

(B) any probable cause or reasonable suspicion existed to perform the search; or

(C) the search was performed as a result of the towing of the motor vehicle or the arrest of any person in the motor vehicle;

(6) whether the officer made an arrest as a result of the stop or the search, including a statement of whether the arrest was based on a violation of the Penal Code, a violation of a traffic law or ordinance, or an outstanding warrant and a statement of the offense charged;

(7) the street address or approximate location of the stop;

(8) whether the officer issued a verbal or written warning or a ticket or citation as a result of the stop; and

(9) whether the officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code, during the stop.

(c) The chief administrator of a law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, is responsible for auditing reports under Subsection (b) to ensure that the race or ethnicity of the person operating the motor vehicle is being reported.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 26, eff. September 1, 2009.

Acts 2017, 85th Leg., R.S., Ch. 950 (S.B. 1849), Sec. 5.02, eff. September 1, 2017.

Art. 2.134. COMPILATION AND ANALYSIS OF INFORMATION COLLECTED. (a) In this article:

(1) "Motor vehicle stop" has the meaning assigned by Article 2.132(a).

(2) "Race or ethnicity" has the meaning assigned by Article 2.132(a).

(b) A law enforcement agency shall compile and analyze the information contained in each report received by the agency under Article 2.133. Not later than March 1 of each year, each law enforcement agency shall submit a report containing the

incident-based data compiled during the previous calendar year to the Texas Commission on Law Enforcement and, if the law enforcement agency is a local law enforcement agency, to the governing body of each county or municipality served by the agency.

(c) A report required under Subsection (b) must be submitted by the chief administrator of the law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, and must include:

(1) a comparative analysis of the information compiled under Article 2.133 to:

(A) evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities;

(B) examine the disposition of motor vehicle stops made by officers employed by the agency, categorized according to the race or ethnicity of the affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction; and

(C) evaluate and compare the number of searches resulting from motor vehicle stops within the applicable jurisdiction and whether contraband or other evidence was discovered in the course of those searches; and

(2) information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

(d) A report required under Subsection (b) may not include identifying information about a peace officer who makes a motor vehicle stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the reporting of information required under Article 2.133(b)(1).

(e) The Texas Commission on Law Enforcement, in accordance with Section 1701.162, Occupations Code, shall develop guidelines for compiling and reporting information as required by this article.

(f) The data collected as a result of the reporting requirements of this article shall not constitute prima facie evidence of racial profiling.

(g) On a finding by the Texas Commission on Law Enforcement that the chief administrator of a law enforcement agency intentionally failed to submit a report required under Subsection (b), the commission shall begin disciplinary procedures against the chief administrator.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 27, eff. September 1, 2009.

Acts 2013, 83rd Leg., R.S., Ch. 93 (S.B. 686), Sec. 2.06, eff. May 18, 2013.

Acts 2017, 85th Leg., R.S., Ch. 950 (S.B. 1849), Sec. 5.03, eff. September 1, 2017.

Art. 2.136. LIABILITY. A peace officer is not liable for damages arising from an act relating to the collection or reporting of information as required by Article 2.133 or under a policy adopted under Article 2.132.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

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www.renotexas.us



Jeremy S. Massey
Chief of Police
jeremy@renotexas.us

Police and Public Safety Services

Racial Profiling Complaint Form

Definition of racial or biased based profiling

A law enforcement-initiated action based on an individual's race, ethnicity, sex, gender, age, religion, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity. Racial or biased 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, persons needing assistance, or other citizen contacts.

Acts constituting racial or biased based profiling

Acts initiating law enforcement action, such as a traffic stop, a detention, a search, issuance of a citation, or an arrest based solely upon an individual's race, ethnicity, sex, gender, age, religion, or national origin or on the basis of racial, ethnic, or any other stereotypes, rather than upon the individual's behavior, information identifying the individual as having possibly engaged in criminal activity, or other lawful reasons for the law enforcement action.

Instructions

Please write a brief narrative of your complaint as neatly and as detailed as possible in the space provided. Include all the details of the incident involving the alleged racial profiling. You may also use additional sheets of paper if necessary. Please print.

Please make sure you sign and date your statement in front of a Public Notary.

This statement can be turned in at Reno City Hall or mailed to the address provided.

Note: A person commits an offense if with intent to deceive, he knowingly makes a false statement that is material in a criminal investigation and makes the statement to a peace officer conducting the investigation. An offense under this section is a class B misdemeanor punishable by a fine not to exceed \$2000 or 180 days in jail, or both such fine and jail. Texas Penal Code 27.08.

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Police and Public Safety Services

PERSON MAKING COMPLAINT

Full Name: _____ Date of Birth: ____/____/____
(Last, First, Middle) (MM/DD/YYYY)

Address: _____
(Please include your complete address- House number, street or county road name, city, state, and zip code)

Telephone: ____/____/____
(Home, work, cell, or whatever applicable)

INCIDENT IN QUESTION

Date of incident: ____/____/____ Day of week: _____ Time: _____ AM or PM
(Please circle one)

Location of incident: _____
(Please include a complete address or describe the location as much as possible)

Officer's name: _____

Type of contact: _____
(I.E. Traffic stop, pedestrian stop, etc...)

Witness name (if applicable): _____

Address: _____
(Please include your complete address- House number, street or county road name, city, state, and zip code)

Telephone: ____/____/____
(Home, work, cell, or whatever applicable)

Narrative of incident: Please print and be as neat and as detailed as possible. Thank You!

Note: A person commits an offense if with intent to deceive, he knowingly makes a false statement that is material in a criminal investigation and makes the statement to a peace officer conducting the investigation. An offense under this section is a class B misdemeanor punishable by a fine not to exceed \$2000 or 180 days in jail, or both such fine and jail. Texas Penal Code 27.08.

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Police and Public Safety Services

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Jeremy S. Massey
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jeremy@renotexas.us

Police and Public Safety Services

Signature of Complainant: _____

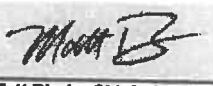
Notary _____

On this _____ day of _____, 20 __, personally
appeared _____, whom on their oath, stated the above
facts were true and correct.

Notary Public in and for Lamar County, Texas

Notary Stamp

Note: A person commits an offense if with intent to deceive, he knowingly makes a false statement that is material in a criminal investigation and makes the statement to a peace officer conducting the investigation. An offense under this section is a class B misdemeanor punishable by a fine not to exceed \$2000 or 180 days in jail, or both such fine and jail. Texas Penal Code 27.08.

	RENO POLICE DEPARTMENT	
	Policy 2.13 Racial or Biased Based Profiling	
	Effective Date: 03/29/2012	Replaces: N/A
	Approved:  Matt Birch, Chief of Police	

NOTE: This General Order is for internal use only and does not enhance an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher Standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this General Order, if proven, can only form the basis of a complaint by this Department and only in a non-judicial, administrative setting.

INDEX WORDS:

Audio and Video Recording
Collection of Information
Complaint
Ethnicity
Race

Racial or biased based Profiling
Reporting
Review
Training

I. PURPOSE

The purpose of this order is to reaffirm the City of Reno Police Department's commitment to unbiased policing in all its encounters with 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.

II. POLICY

A. It is the policy of this department to police in a proactive manner and to aggressively investigate suspected violations of the law. Officers shall actively enforce local, state and federal laws in a responsible and professional manner, without regard to race, ethnicity, sex, gender, age, religion, or national origin. Officers are strictly prohibited from engaging in racial profiling as defined in this policy. Racial or biased based profiling is an unacceptable police tactic and will not be condoned.

B. This General Order is adopted in compliance with the requirements of Articles 2.131 through 2.136, Texas Code of Criminal Procedure, which prohibits Texas peace officers from engaging in racial profiling.

III. DEFINITIONS

A. Racial or biased based Profiling - a law enforcement-initiated action based on an individual's race, ethnicity, sex, gender, age, religion, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity. Racial or biased 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, persons needing assistance, or other citizen contacts.

B. Race or Ethnicity - persons of a particular descent, including Caucasian, African, Hispanic, Asian, or Native American descent.

C. Acts Constituting Racial or biased based profiling - acts initiating law enforcement action, such as a traffic stop, a detention, a search, issuance of a citation, or an arrest based solely upon an individual's race, ethnicity, sex, gender, age, religion, or national origin or on the basis of racial, ethnic, or any other stereotypes, rather than upon the individual's behavior, information identifying the individual as having possibly engaged in criminal activity, or other lawful reasons for the law enforcement action.

D. Pedestrian Stop - an interaction between a peace officer and an individual who is being detained for the purposes of a criminal investigation in which the individual is not under arrest.

E. Traffic Stop - the stopping of a motor vehicle by a peace officer for an alleged violation of law or ordinance regulating traffic.

IV. PROHIBITION

A. Officers of the Reno Police Department are strictly prohibited from engaging in racial or biased based profiling. The prohibition against racial or biased based profiling does not preclude the use of race, ethnicity, sex, gender, age, religion, or national origin as factors in a detention decision by an officer. Race, ethnicity, sex, gender, age, religion or national origin may be legitimate factors in such a decision when used as part of a description of a suspect or witness for whom an officer is searching.

V. COMPLAINT PROCESS

A. No person shall be discouraged, intimidated or coerced from filing a complaint, or be discriminated against because they have filed a complaint.

B. Any person who believes that a peace officer employed by the Reno Police Department has engaged in racial or biased based profiling with respect to that person, may file a complaint in accordance with the department's complaint process.

1. An employee who is contacted regarding a complaint against an officer shall follow the procedures set forth in the department's policy manual.

2. Citizens who appear in person wishing to file a complaint shall be provided with a departmental brochure on Racial Profiling and Complaint Form. Brochures are maintained in the Reno City Hall/ Police Department lobby and on the Departmental website, where citizens may also be directed.

C. Any supervisor who becomes aware of an alleged or suspected violation of this policy shall report the alleged violation to the chain of command in order for a proper investigation.

D. Complaints of racial or biased based profiling shall be investigated by the department, unless otherwise directed by the Chief of Police. A file of all Racial Profiling Complaints will be maintained by department.

VI. DISCIPLINARY AND CORRECTIVE ACTIONS

Any department officer who is found, after investigation, to have engaged in racial or biased based profiling in violation of this General Order may be subject to disciplinary action, up to and including termination. Disciplinary or corrective actions may also include diversity, sensitivity or other appropriate training or counseling, as determined by the Chief of Police.

VII. PUBLIC EDUCATION

The Reno Police Department shall provide education to the public concerning the racial or biased based profiling complaint process. The primary method of public education shall be through a department brochure which are maintained in the lobby of the Reno City Hall/ Police Department. Other education methods may be utilized to inform the public, including news media, civic presentations, Departmental website, and/or public meetings.

VIII. COLLECTION OF INFORMATION AND ANNUAL REPORT WHEN CITATION ISSUED OR ARREST MADE

A. For each pedestrian or traffic stop in which a citation is issued and for each arrest resulting from such pedestrian or traffic stops, an officer involved in the stop shall collect the following information on the citation:

1. Information identifying the race or ethnicity of the person detained. The following codes will be used to identify the individual's race:

B = Black

A = Asian

I = Native American / American Indian

H = Hispanic

W = White

O = Other

Note: Officers may not ask the individual to identify their race. If the officer is unable to determine the race or ethnicity of the person contacted, then the race shall be entered as "Other" on the citation(s) issued.

2. Whether a search was conducted;
3. If a search was conducted, whether the person detained consented to the search;
4. Whether contraband was found;
5. Whether the person contacted is a resident of the City of Reno. This shall be reflected on each citation issued by getting the contacted persons address and filling it in on the appropriate area(s) on the citation.

B. The information collected will then be entered in to the Records Management System by completing the Racial Profiling data utilizing the in-car MDC or the computers that are available in the Department. All contacts requiring Racial Profiling data collection must be entered.

C. The information collected shall be compiled in an annual report covering the period January 1 through December 31 of each year, and shall be submitted to the governing body of the City of Allen no later than March 1 of the following year. The report will include:

1. A breakdown of citations by race or ethnicity;
2. Number of citations that resulted in a search;
3. Number of searches that were consensual;
4. Number of citations that resulted in custodial arrest; and
5. Public education efforts concerning the racial profiling complaint process.

C. The annual report shall not include identifying information about any individual stopped or arrested, and shall not include identifying information about any peace officer involved in a stop or arrest.

IX. AUDIO AND VIDEO EQUIPMENT

A. Each motor vehicle regularly used by this department to make traffic and pedestrian stops is equipped with a mobile video camera system capable of recording video and audio.

B. Each traffic and pedestrian stop made by an officer of this department that is capable of being recorded by video and audio shall be recorded. In units equipped with mobile video camera systems, both video and audio recordings shall be required.

C. Supervisors and Officers shall ensure that mobile video camera equipment, and/or audio equipment is properly functioning prior to commencing their tour of duty. Police units with malfunctioning or inoperable mobile video camera equipment shall not be utilized under normal circumstances.

D. Supervisors shall have the authority to assign units with malfunctioning or inoperable mobile video equipment when situations dictate. Officers assigned to such units shall collect and document the information listed below for each traffic and pedestrian stop. All documentation must be submitted to the officer's supervisor prior to ending that tour of duty. Documentation shall include but is not limited to Field Interview Forms, Traffic Citations and Warning Tickets.

1. a physical description of each person detained as a result of the stop, including:
 - a. the person's gender; and
 - b. the person's race or ethnicity, as stated by the person, or if the person does not state, the person's race or ethnicity, as determined by the officer to the best of his or her ability. Officers will not ask the individual to identify their race or ethnicity;
2. the traffic law or ordinances alleged to have been violated, or the suspected offense;
3. whether the officer conducted a search as a result of the stop, and, if so, whether the person detained consented to the search;
4. whether any contraband was discovered in the course of the search and the type of contraband discovered;
5. whether probable cause to search existed and the facts supporting the existence of that probable cause;
6. whether the officer made an arrest as a result of the stop or the search, including a statement of the offense charged;
7. the street address or approximate location of the stop; and
8. whether the officer issued a warning or a citation as a result of the stop, including a description of the warning or a statement of the violation charged.
9. whether the person contacted is a resident or non-resident of the City of Reno. This shall be reflected on each citation issued, using an (R) for residents or an (NR) for non-resident.

XI. REVIEW OF VIDEO AND AUDIO DOCUMENTATION

A. Each audio and video recording shall be retained for a minimum period of ninety (90) days, unless a complaint is filed alleging that an officer has engaged in racial profiling with respect to a traffic or pedestrian stop. The Chief of Police shall ensure that all audio and video recordings are properly stored and retained in accordance with applicable laws and this policy.

B. If a complaint is received alleging that an officer has engaged in racial profiling, the audio / video recording shall be forwarded to the Chief of Police. The Internal Affairs Division shall retain the recording until final disposition of the complaint has been made.

C. The Chief of Police or his designee shall review a randomly selected sampling of video and audio recordings, made recently by officers employed by the Department, in order to determine if patterns of racial profiling exist. These reviews shall be conducted weekly and documented on the appropriate form.

1. Written documentation shall include:
 - a. the names of the officers whose contacts were reviewed;

- b. the date(s) of the tapes reviewed;
 - c. the date the actual review was conducted; and
 - d. the name of the person conducting the review.
- 2. The Patrol Services Division Deputy Chief shall forward the required documentation to the Office of the Chief of Police.
 - 3. The Office of the Chief of Police shall maintain a file of all tape review documentation performed, in compliance with this General Order.

D. In reviewing audio and video recordings, the Chief of Police or his designee, shall seek to determine if the officer(s) reviewed have engaged in a pattern of racial profiling, that includes multiple acts constituting racial profiling for which there is no reasonable, credible explanation based on established police and law enforcement procedures.

XII. TRAINING

- A. Each peace officer employed by the department shall complete the comprehensive education and training program on racial profiling established by the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) not later than the second anniversary of the date the officer was licensed, or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier. A person who on September 1, 2001, held a TCLEOSE intermediate proficiency certificate, or who had held a peace officer license issued by TCLEOSE for at least two years, shall complete a TCLEOSE training and education program on racial profiling not later than September 1, 2003.
- B. The Chief of Police shall, in completing the training required by Section 96.641, Texas Education Code, complete the program on racial profiling established by the Bill Blackwood Law Enforcement Management Institute of Texas (LEMIT), not later than September 1, 2003.

XIII. EFFECTIVE DATE

- A. Any previous directive, rule, order or regulation that pertains to this subject matter and its amendments shall remain in full force and effect for any violation(s) which occur prior to the effective date of this policy.
- B. If any section, sentence, clause or phrase of this General Order is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this General Order.
- C. All training on this General Order will be in accordance with department policy.
- D. The effective date is stated in the header block of this policy.