

Racial Profiling Report 2017

ALAMO HEIGHTS POLICE DEPARTMENT

Police Contact Data (Tier I Data)

Annual Report

January 1, 2017 through December 31, 2017

In accordance with the Texas Racial Profiling Law, Art. 2.134 CCP, the Alamo Heights Police Department has collected police contact data to comply with the law. Throughout the past year, the police department has worked to ensure that the numbers reported, via citations and arrest reports, were as accurate as possible. The information reported in this report only applies to what is referred to as Tier I information (stops that resulted in a citation or arrest). Due to the installation of mobile video camera systems in police vehicles, the department is not required to capture information referred to as Tier II information and is exempt from Tier II reporting requirements.

In this report there are several sections intended and designed to provide background information on the rationale and objectives of the Texas Racial Profiling Law. Other sections contain information relevant to the policies adopted by the Alamo Heights Police Department prohibiting the practice of racial profiling among its officers, providing for a complaint system, and requiring the use of video or voice recordings on all traffic and pedestrian stops.

The first component of this report (Exhibit 1) provides statistical data relevant to the public contacts made during the period of 1/1/2017 and 12/31/2017. Other analysis compares searches and arrests to the total number of traffic stops conducted over the listed time period. This data captured in Exhibit 1 has been analyzed and compared to the U.S. Census data (2010) concerning the population demographics of the City of Alamo Heights.

It is important to point out there are limitations as to the interpretation and extrapolation of "information" from this data. We feel confident that our analysis is as correct and relevant as any model that could be used to evaluate the data we have collected. The comparative analysis model that we have used (Exhibit 2) is only one model that could have been used. Again, this points to the limitations of the way these numbers are extrapolated and evaluated, which is a big warning sign on the validity issues surrounding this entire process.

Assessment of the Data Analysis: The City of Alamo Heights is located north and immediately outside of the downtown area of the City of San Antonio, Bexar County, Texas. The areas immediately surrounding the San Antonio downtown area are primarily historic districts. In the immediate area of Alamo Heights include a growing San Antonio entertainment/retail/housing district, numerous public and private schools, two major universities, Olmos Park, Brackenridge Park, Witte Museum, San Antonio Zoo, two municipal golf courses, Ft. Sam Houston Military Base, San Antonio Military Medical Center, the City of Terrell Hills and the City of Olmos Park.

Major thoroughfares in Alamo Heights include Loop 368 (Austin Hwy and Broadway), both of which provide direct access to the center of downtown San Antonio, a large tourist and convention area as well as a growing housing/office/retail town center development. Additionally, Broadway is a direct route to the San Antonio International Airport and connects with Loop 410 to the north and IH 35 to the south. Loop 368 (Austin Hwy) is a direct connect to the IH35N / Loop 410 corridor to the northeast. North New Braunfels Avenue borders the City of Alamo Heights connecting to Loop 410 on the north and terminating as a public access roadway at the north gates to Fort Sam Houston. Finally, US Hwy 281N borders the City of Alamo Heights on the west.

The aforementioned all contribute to a large volume of commuter traffic passing through the City of Alamo Heights to areas in San Antonio. This large volume of commuter traffic contributes to a high percentage of traffic enforcement and, in some cases, arrests subsequent to traffic enforcement. A high ratio of minority commuters who reside in the surrounding areas or work in the downtown areas are also subject to enforcement actions when violations are observed.

The total number of traffic enforcement stops where court citations were issued and/or arrests were made was 2,788. This number does not indicate the number of charges but only the number of drivers detained. It is possible to file multiple charges on a person, either by citation or arrest, during a stop, but only counts as one stop for the purposes of this report. Traffic stops where only warning citations were issued are not recorded as traffic contacts unless an arrest is made.

When compared to the 2010 US Census data for the City of Alamo Heights it would appear the Alamo Heights Police Department may be enforcing the traffic laws of this city and state more stringently on some percentages of the population. For example, persons of Hispanic origin represent 16.3% of the Alamo Heights population but accounted for 31% of enforcement actions. This would appear to be contrary to the ethnic ratio for persons of Hispanic origin living in Alamo Heights. However, this would appear to be a low ratio when compared to the City of San Antonio US Census data (2010) where persons of Hispanic origin represent 63.2% of the population. Given the large volume of transient commuter traffic who actually reside in the City of San Antonio it is reasonable to compare enforcement activities to US Census data for the City of San Antonio and Bexar County. See Exhibit 2 for a comparative analysis of the population ratios of Alamo Heights, San Antonio, and Bexar County.

Summary Statement

The findings in this report suggest that the Alamo Heights Police Department does not currently experience a problem regarding racial profiling practices.

ALAMO HEIGHTS POLICE DEPARTMENT
Police Contact Data
Annual Report
January 1, 2017 - December 31, 2017
Table of Contents

(I) Introduction and Analysis of Tier I Information

Table of Contents

Opening Statement Outlining Rationale and Objective of Report and Summarizing the Analysis of the Report
Tables and Graphs Depicting Police Contact Information (1/1/17 - 12/31/17)
Exhibit 1: Demographics, Traffic Stops, Searched, Not Searched & Arrests
Exhibit 2: Census Comparisons of police activities; includes San Antonio and Bexar County
Exhibit 3: Alamo Heights Police Department Press Release on Racial Profiling
Exhibit 4: Alamo Heights Police Department Policy 2.2 "Bias Based Policing"
Exhibit 5: Alamo Heights Police Department Policy 7.34 "Mobile / Body Worn Video and Audio Recording"

(II) Background

- A) Police Department's Background
- B) Police Department's Mission, Vision, Value and Goal Statements

(III) Responding to the Texas Racial Profiling Law

- A) Implementation of Complaint Process Addressing Allegations of Racial Profiling Practices (includes efforts relevant to the implementation of an educational campaign aimed at informing the public on the complaint process)
- B) Report on Complaints Filed Against Officers for Violating Racial Profiling Policy
- C) Training Administered to Law Enforcement Personnel
- D) Police Department's Partnerships with the Local Community
- E) Check List/Contact Information
- F) The Texas Law on Racial Profiling
- G) Departmental Policy on Racial Profiling
- H) Departmental Policy on Mobile Video/Audio Taping

II. Background Information

Police Department Background

The Alamo Heights Police Department (AHPD) is made up of 20 commissioned officers and 13 staff members. The AHPD officers are committed to performing their jobs in a professional manner while serving the community members and its surrounding areas. This commitment can be found in the AHPD mission statement, vision statement, core values, and goals and reinforced through the issuance of pocket cards to every officer commonly used as a reference during discussions between administrative, supervisory and line personnel.

The department promotes to all its members a philosophy of community-policing practices in order to provide quality service to all residents of the community. In 2002, the Alamo Heights Police Department adopted a policy, in accordance with Texas law on Racial Profiling, prohibiting racial profiling practices by AHPD officers. This policy was updated in 2011 and 2015 to meet accreditation standards for the Texas Police Chiefs Association Best Practices Recognition Program.

Mission Statement of the Alamo Heights Police Department

The Alamo Heights Police Department is committed to developing a community partnership with an emphasis on integrity, fairness and professionalism to positively impact the quality of life and promote a safe environment by resolving problems, enforcing the law and preserving the peace.

Vision Statement of the Alamo Heights Police Department

A community environment where the public has full faith and confidence in its police department; it is an environment wherein citizens of the community believe that they are safe and secure in their homes and businesses; it is an environment wherein the criminal element does not feel safe and secure in its activities.

Core Values of the Alamo Heights Police Department

Integrity – We are committed to uphold our positions of trust by maintaining the highest ethical standards as set forth in the law enforcement code of ethics.

Community Safety – We are committed to public safety through community partnerships, public education, community watch strategies, and the steadfast enforcement of violations of the law.

Service – We are committed to prompt, professional and courteous service, unbiased and effective in our response to community concerns.

Quality – We are committed to the highest standards of excellence through recruitment, training, teamwork, leadership, innovation, technology and accountability.

Goals of the Alamo Heights Police Department

- Maintain positive interaction with the public and a high degree of visibility within the community.
- Educate the public to the community's role and responsibility in the prevention, detection, and resolution of crime.
- Develop and improve internal systems which assure high quality service to our community while increasing the Department's efficiency.
- Recruit and retain a diverse, highly skilled and motivated law enforcement workforce.
- Provide a rewarding work environment and invest in personnel development.

III. Responding to the Texas Racial Profiling Law

Educational Campaign:

In accordance to Senate Bill 1074, the Alamo Heights Police Department has made significant efforts to launch an educational campaign aimed at informing the public on issues relevant to the complaint process. Special emphasis has been placed on informing community members on filing a complaint relevant to racial profiling practices.

The Chief of Police has posted a public statement on the City's web page to inform the public on efforts being made by the police department to continue banning racial profiling practices among its officers. Additionally, the department's complaint system is published on the police department home page on the City's web page.

Filing a Complaint Based on Violations of the Texas Law on Racial Profiling

A pamphlet has been designed, printed, and distributed that fully explains the Internal Affairs/Complaint system of the department. The following information is extrapolated from the pamphlet, the complaint form, and the procedure for investigation complaints received:

UNDERSTANDING THE PROCESS

Once an individual has filed a complaint regarding racial profiling, he/she should expect the following process to commence:

THE INTERVIEW

A police supervisor (rank of sergeant or higher) may interview the individual filing the complaint with the intention of gathering information pertaining to the incident. Through this process it may be possible that the supervisor is able to explain the officer's actions to the complainant's satisfaction.

If the supervisor is not able to satisfactorily answer the citizen's complaint, the supervisor will assist them in filing a formal complaint, if they wish. If the citizen does not wish to be assisted by the supervisor, they will be given a formal complaint pamphlet and given instructions on completing it.

THE INVESTIGATION

After a formal complaint is filed, the Alamo Heights Police Department will investigate the alleged misconduct. The Chief of Police will assign an investigator experienced in internal investigation procedures who will talk to the complainant, any witnesses, and will visit the site of the incident.

- The Chief of Police receives all formal complaints, reviews them, logs them into the IA log and assigns the investigation to an investigator.
- The complainant will receive a letter from the Chief of Police, regarding the progress of the investigation. Although it is impossible to estimate how long the investigation will take, the complainant is advised they can expect a report as to the outcome of the investigation in about two weeks.
- All officers having knowledge of the incident will be interviewed as well as any identified witnesses.
- A report will then be prepared with conclusions and recommendations.
- The Chief of Police will review the report of investigation to determine if any rule, policy, or regulation has been violated. If it is determined that a violation has occurred it will be decision of the Chief of Police as to the discipline that will be administered.

THE FINDINGS

The results of a complaint are called "findings". There are four possible findings:

- **Sustained** - The complaint has been supported: The officer(s) involved acted improperly and may be disciplined.
- **Unfounded** - The investigation found no basis to the complaint filed.
- **Exonerated** - The police officer(s) involved acted properly and will not be disciplined; or
- **Not sustained** - There was insufficient evidence to prove the complaint true or false and no further action will be taken.

The Chief of Police will decide on a finding after the complaint has been reviewed and will inform the complainant through an official letter of the final decision.

A COMMITMENT TO RESPOND TO THE NEEDS OF THE COMMUNITY

The Alamo Heights Police Department has made a commitment to its citizens regarding the following:

1. 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.
2. Any employee who receives an allegation of racial profiling, including the officer who initiated the stop, shall direct the complainant to a supervisor or offer to provide them with a formal complaint packet. Any employee contacted shall provide to any person a copy of a complaint form or the department process for filing a complaint. All employees will report any allegation of racial profiling to their superior before the end of their shift.
3. Investigation of a complaint shall be conducted in a thorough and timely manner. All complaints will be acknowledged in writing to the initiator who will receive disposition regarding said complaint within a reasonable period of time. The investigation shall be reduced to writing and any reviewer's comments or conclusions shall be filed with the chief. When applicable, findings and/or suggestions for disciplinary action, retraining, or changes in policy shall be filed with the chief.
4. If a racial profiling complaint is sustained against an officer, it will result in appropriate corrective and/or disciplinary action, up to and including indefinite suspension (termination).
5. If there is a departmental video or audio recording of the events upon which a complaint of racial profiling is based, 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.

Corrective Action

It is the policy of the Alamo Heights Police Department that any officer who, after an internal investigation, has been found guilty of engaging in racial profiling, that one of the following series of disciplinary measures is taken (as per the recommendation of the chief of police):

1. Officer is retrained in racial sensitivity issues
2. Officer is suspended and as a condition of further involvement with the police department is required to undergo racial sensitivity training
3. Officer is indefinitely suspended (terminated)

Data on Corrective Action

There were no public complaints made alleging racial profiling by any member of the Alamo Heights Police Department during the 2017 reporting period. There were no internal reports made to the Chief of Police by members of the Alamo Heights Police Department alleging racial profiling by another member of the Alamo Heights Police Department during the 2017 reporting period.

Training

In compliance with the Texas Racial Profiling Law, the Alamo Heights Police Department required that all its officers adhere to all Texas Commission on Law Enforcement Officers (TCOLE) training and the Law Enforcement Management Institute of Texas (LEMIT) requirements as mandated by law.

All officers from the Alamo Heights Police Department have completed a TCOLE training and education program on racial profiling, as required by law, by 08/31/02 or will have completed the required training not later than the second anniversary of the date the officer is licensed under Chapter 1701 of the Texas Occupations Code or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier. A person who on September 1, 2001, held a TCOLE intermediate proficiency certificate, or who had held a peace officer license issued by TCOLE for at least two years, will complete a TCOLE training and education program on racial profiling not later than September 1, 2003. The department has met all training requirements mandated by law.

The Chief of Police, as part of the initial training and continued education for such appointment, attended the LEMIT program on racial profiling. This fulfills the training requirement as specified in the Education Code (96.641) of the Texas Racial Profiling Training law.

Checklist

The following requirements must be met by all law enforcement agencies in the State of Texas:

- Clearly defined act of actions that constitute racial profiling
- Statement indicating prohibition of any peace officer employed by the Alamo Heights Police Department from engaging in racial profiling
- Implement a process by which an individual may file a complaint regarding racial profiling violations Provide public education related to the complaint process
- Implement disciplinary guidelines for officers found in violation of the Texas Racial Profiling Law
- Collect data (Tier 1) that includes information on
 - Race and ethnicity of drivers contacted during a traffic enforcement investigation
 - Whether the race of the driver was known prior to the contact
 - Whether a search of the vehicle was conducted
 - If there was a search, whether it was a consent search or a non-consent search
 - Whether a custodial arrest took place
- Produce an annual report on police contacts (Tier 1) by March 1, 2018. As a part of this requirement the annual report is presented to the governing body of Alamo Heights and a Tier 1 data report is provided to the Texas Commission on Law Enforcement (TCLOE) before March 1, 2018. **The required Tier 1 report was submitted to TCOLE and accepted on January 5, 2018. The required annual report was presented to the Alamo Heights City Council at a regularly scheduled City Council meeting on January 8, 2018.**
- Adopt a policy on standards for reviewing video and audio documentation of traffic stops.

The Alamo Heights Police Department has complied with all requirements of the Texas Racial Profiling Law.

2017 Racial Profiling Report
Demographics, Traffic Stops, Searched, Not Searched & Arrests
Exhibit 1

Number of MV Stops	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Spt	Oct	Nov	Dec	Total
citation only	210	101	274	286	284	224	261	172	147	209	227	171	2566
arrest only	5	6	8	7	5	9	8	3	10	10	5	5	81
citations & arrest	4	10	14	13	16	14	17	19	7	10	10	7	141
	219	117	296	306	305	247	286	194	164	229	242	183	2788

Race or Ethnicity	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Spt	Oct	Nov	Dec	Total
african	15	12	20	23	22	23	19	11	18	16	16	13	208
asian	1	0	5	3	4	4	2	2	4	3	5	1	34
caucasian	135	67	185	191	188	143	149	114	93	133	133	118	1649
hispanic	62	37	86	86	88	75	113	66	48	73	86	48	868
middle eastern	1	0	0	2	2	1	3	1	1	4	1	1	17
native american	5	1	0	1	1	1	0	0	0	0	1	2	12
	219	117	296	306	305	247	286	194	164	229	242	183	2788

R/E Known Prior to Stop	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Spt	Oct	Nov	Dec	Total
yes	2	3	1	0	1	2	4	3	1	0	0	1	18
no	217	114	295	306	304	245	282	191	163	229	242	182	2770
	219	117	296	306	305	247	286	194	164	229	242	183	2788

Search Conducted	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Spt	Oct	Nov	Dec	Total
yes	45	42	61	63	65	60	75	56	34	43	39	25	608
no	174	75	235	243	240	187	211	138	130	186	203	158	2180
	219	117	296	306	305	247	286	194	164	229	242	183	2788

Was Search Consented ?	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Spt	Oct	Nov	Dec	Total
yes	6	1	2	5	2	1	2	3	1	0	0	0	23
no	39	41	59	58	63	59	73	53	33	43	39	25	585
	63	73	76	64	70	81	75	76	42				608

Vehicles Impounded 63 73 76 64 70 81 75 76 42

ALAMO HEIGHTS POLICE DEPARTMENT
2017 Racial Profiling Audit

Census Comparisons To Police Activities

Period: 01/01/2017 - 12/31/2017

Exhibit 2

2017 AHPD Contact & Arrest		2010 Census Data					
		Alamo Heights 7031		San Antonio 1,327,407		Bexar County 1,714,773	
	#	%	%	+ or (-)	%	+ or (-)	%
African	208	7.5%	0.7	+6.8%	6.9	(+)0.6%	7.5
Asian	34	1.2%	1.4	(-)0.2%	2.5	(-)2.3%	2.5
Caucasian	1,649	59.1%	94.4	(-)35.3%	72.6	(-)13.5%	72.9
Middle Easterner	17	0.6%	***	***	***	***	***
Native Amer. ¹	12	0.6%	0.4	+0.2%	0.9	(-)0.3%	0.8
Hispanic ²	868	31.0%	16.3	+14.7%	63.2	(-)32.2%	58.7
Unknown	0						
Total Contacts		2,788	100.0%				

¹ includes Native Alaskan and Pacific Islander

² included in caucasian totals

*** middle easterners counted as "other" or "multi-ethnicity" in the 2010 census



City of Alamo Heights Police Department
6116 Broadway
Alamo Heights, Texas 78209

**Texas Law Enforcement Complies with Senate Bill 1074
Racial Profiling**

Public Notice

The Alamo Heights Police Department supports the 77th Texas Legislature's mandate prohibiting racial profiling in Texas. Our police officers work under a departmental policy that is consistent with all state and federal laws. The policy includes provisions for citizens to contact us if they have a conflict with an officer from the Alamo Heights Police Department.


The Alamo Heights Police Department realizes that there will be disagreements, from time to time, with individuals that come in contact with our officers. We realize that confusion, different perceptions or possibly the timeliness of information could result in information that may produce different accounts of the same incident. These disagreements between citizens and officers need to be addressed. We trust that the vast majority of contacts between citizens and officers are conducted in a positive, professional manner. The relationship between the community and our officers is based on confidence and trust. We cannot be effective without both the community and our officers working together to achieve this goal.

Citizens feeling that they have a legitimate concern may make a formal complaint to the Alamo Heights Police Department at any time by contacting any member of this department for information on the complaint process. Additional information about this process may be obtained by calling us at (210) 822-6433.

The Alamo Heights Police Department would also like to know about positive police contacts. Please write the Chief of Police a letter or note to let him or her know about a positive contact with our officers. Chief Pruitt will let the officer know about your letter and a copy will be placed in the officer's personnel folder.

We are very proud of the relationship the Alamo Heights Police Department shares with the community. Our longstanding goal is to provide our citizens with a safe community where all may live without the fear of crime.

Richard L. Pruitt Sr., Chief of Police
Alamo Heights Police Department

	ALAMO HEIGHTS POLICE DEPARTMENT	
	Policy 2.2 Bias Based Policing	
	Effective Date: 06/29/11	Replaces: 806
	Approved: <u>Richard Pruitt Sr.</u> Chief of Police	
	Reference: TBP 2.01	

I. POLICY

We are committed to a respect for constitutional rights in the performance of our duties. Our success is based on the respect we give to our communities, and the respect members of the community observe toward law enforcement. To this end, we shall exercise our sworn duties, responsibilities, and obligations in a manner that does not discriminate on the basis of race, sex, gender, national origin, ethnicity, age, or religion. All people carry biases: in law enforcement, however, the failure to control our biases can lead to illegal arrests, searches, and detentions, thus thwarting the mission of our department. Most importantly, actions guided by bias destroy the trust and respect essential for our mission to succeed. We live and work in communities very diverse in population: respect for diversity and equitable enforcement of the law are essential to our mission.

All enforcement actions, particularly stops of individuals (for traffic and other purposes), investigative detentions, arrests, searches and seizures of persons or property, shall be based on standards of reasonable suspicion or probable cause as required by the Fourth Amendment to the U. S. Constitution and statutory authority. In all enforcement decisions, officers shall be able to articulate specific facts, circumstances, and conclusions which support probable cause or reasonable suspicion for arrests, searches, seizures, and stops of individuals. Officers shall not stop, detain, arrest, search, or attempt to search anyone based solely upon the person's race, sex, sexual orientation, gender, national origin, ethnicity, age, or religion. Officers shall base all such actions on a reasonable suspicion that the person or an occupant of a vehicle committed an offense.

All departmental orders are informed and guided by this directive. Nothing in this order limits non-enforcement contacts between officers and the public.

II. PURPOSE

The purpose of this order is to provide general guidance on reducing the presence of bias in law enforcement actions, to identify key contexts in which bias may influence these actions, and emphasize the importance of the constitutional guidelines within which we operate.

III. DEFINITIONS

Most of the following terms appear in this order. In any case, these terms appear in the larger public discourse about alleged biased enforcement behavior and in other orders. These definitions are intended to facilitate on-going discussion and analysis of our enforcement practices.

- A. **Bias:** Prejudice or partiality which may be based on preconceived ideas, a person's upbringing, culture, experience, or education.
- B. **Biased policing:** Stopping, detaining, searching, or attempting to search, or using force against a person based upon his or her race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group.
- C. **Ethnicity:** A cluster of characteristics which may include race but also cultural characteristics or traits which are shared by a group with a common experience or history.
- D. **Gender:** Unlike sex, a psychological classification based on cultural characteristics or traits.
- E. **Probable cause:** Facts or apparent facts and circumstances within an officer's knowledge and of which the officer had reasonable, trustworthy information to lead a reasonable person to believe that an offense has been or is being committed, and that the suspect has committed it.
- F. **Race:** A category of people of a particular decent, including Caucasian, African, Hispanic, Asian, or Native American descent. As distinct from ethnicity, race only refers to physical characteristics sufficiently distinctive to group people under a classification.
- G. **Racial profiling:** A law-enforcement initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity.
- H. **Reasonable suspicion:** Articulable, objective facts which lead an experienced officer to suspect that a person has committed, is committing, or may be about to commit a crime. A well-founded suspicion is based on the totality of the circumstances and does not exist unless it can be articulated. Reasonable suspicion

supports a stop of a person. Courts require that stops based on reasonable suspicion be "objectively reasonable."

- I. **Sex:** A biological classification, male or female, based on physical and genetic characteristics.
- J. **Stop:** The detention of a subject for a brief period of time, based on reasonable suspicion. A stop is investigative detention.

IV. PROCEDURES

A. General responsibilities

1. Officers are prohibited from engaging in bias based profiling or stopping, detaining, searching, arresting, or taking any enforcement action including seizure or forfeiture activities, against any person based solely on the person's race, national origin, citizenship, religion, ethnicity, age, gender, color, creed, sexual orientation, disability, or economic status. These characteristics, however, may form part of reasonable suspicion or probable cause when officers are seeking a suspect with one or more of these attributes. (TBP: 2.01)
2. Reasonable suspicion or probable cause shall form the basis for any enforcement actions or decisions. Individuals shall only be subjected to stops, seizures, or detention upon reasonable suspicion that they have committed, are committing, or are about to commit an offense. Officers shall document the elements of reasonable suspicion and probable cause in appropriate reports.
3. Officers shall observe all constitutional safeguards and shall respect the constitutional rights of all persons.
 - a. As traffic stops furnish a primary source of bias-related complaints, officers shall have a firm understanding of the warrantless searches allowed by law, particularly the use of consent. How the officer disengages from a traffic stop may be crucial to a person's perception of fairness or discrimination.
 - b. Officers shall not use the refusal or lack of cooperation to justify a search of the person or vehicle or a prolonged detention once reasonable suspicion has been dispelled.
4. All personnel shall treat everyone with the same courtesy and respect that they would have others observe to department personnel. To this end, personnel are reminded that the exercise of courtesy and respect engenders a future willingness to cooperate with law enforcement.

- a. Personnel shall facilitate an individual's access to other governmental services whenever possible, and shall actively provide referrals to other appropriate agencies.
 - b. All personnel shall courteously accept, document, and forward to the Chief of Police any complaints made by an individual against the department. Furthermore, officers shall provide information on the complaints process and shall give copies of the "Citizen Complaint Procedures" pamphlet when appropriate.
5. When feasible, personnel shall offer explanations of the reasons for enforcement actions or other decisions that bear on an individual's well-being unless the explanation would undermine an investigation or jeopardize an officer's safety. When concluding an encounter, personnel shall thank him or her for cooperating.
6. When feasible, all personnel shall identify themselves by name. When a person requests the information, personnel shall give their departmental identification number, name of the immediate supervisor, or any other reasonable information.
7. All personnel are accountable for their actions. Personnel shall justify their actions when required.

B. Supervisory Responsibilities

1. Supervisors shall be held accountable for the observance of constitutional safeguards during the performance of their duties. Supervisors shall identify and correct instances of bias in the work of their subordinates.
2. Supervisors shall use the disciplinary mechanisms of the department to ensure compliance with this order and the constitutional requirements of law enforcement.
3. Supervisors shall be mindful that in accounting for the actions and performance of subordinates, supervisors are the key to maintaining community trust in law enforcement. Supervisors shall continually reinforce the ethic of impartial enforcement of the laws, and shall ensure that personnel, by their actions, maintain the community's trust in law enforcement.
4. Supervisors are reminded that biased enforcement of the laws engenders not only mistrust of law enforcement, but increases safety risks to personnel. Lack of control over bias also exposes the department to liability consequences. Supervisors shall be held accountable for repeated instances of biased enforcement of their subordinates.

5. Supervisors shall ensure that all enforcement actions are duly documented per departmental policy. Supervisors shall ensure that all reports show adequate documentation of reasonable suspicion and probable cause, if applicable.

6. Supervisors shall facilitate the filing of any complaints about law enforcement service.

C. Disciplinary consequences

Actions prohibited by this order shall be cause for disciplinary action, up to and including dismissal.

D. Training (TBP: 2.01)

1. Officers shall complete all training required by state law regarding bias based profiling.

V. COMPLAINTS

A. The department shall publish "Citizen Complaint Procedures" pamphlets and make them available at all city facilities and as a downloadable document on the City website. The department's complaint process and its bias based profiling policy will be posted on the website. If deemed necessary by the Chief of Police, the media may be used to inform the public of the department's policy and complaint process.

B. Complaints alleging incidents of bias based profiling will be fully investigated as described under Policy 2.4.


C. Complainants will be notified of the results of the investigations when such investigation is completed.

VI. RECORD KEEPING

A. The department will maintain all required records on traffic stops where a citation is issued or where an arrest is made subsequent to a traffic stop pursuant to state law.

B. The information collected above will be reported to the city council annually in compliance with the Texas Racial Profiling Law.

C. The information will also be reported to the Texas Commission on Law Enforcement Officer Standards and Education in the required format.

	ALAMO HEIGHTS POLICE DEPARTMENT	
	Policy 7.34 Mobile / Body Worn Video and Audio Recording	
	Effective Date: 10/25/13	Replaces: 7.34 (02/07/2012)
	Approved: <u>Richard Pruitt</u> Chief of Police	
Reference:		

I. POLICY

It is the policy of the Alamo Heights Police Department to present for prosecution video / audio evidence of traffic and other law violations. To this end, officers with properly functioning video / audio recording equipment shall make a recording of all applicable events surrounding the contact, stop, detention, interview and arrest of suspected violators and maintain this recorded evidence for consideration in criminal prosecution.

All video / audio recordings generated on department-owned equipment are the property of the Alamo Heights Police Department. The copying or reproduction of any video / audio recording files generated by members of the department for use outside of department business is prohibited.

Distribution of any video / audio recordings generated by department members in any format or for any purpose must be in compliance with this policy and any applicable SOPs.

II. PURPOSE

Video / audio recording equipment has proven to be a valuable law enforcement tool. Utilizing mobile video and body worn camera equipment facilitates the Alamo Heights Police Department's objectives to collect evidence for criminal prosecution, aid in the prosecution of traffic violations and related offenses, provide an administrative function in evaluation of officer performance, and assist in training officers to improve safety and tactics.

III. MOBILE VIDEO RECORDER (MVR)

- A. Each motor vehicle regularly used by this department to make traffic and pedestrian stops is equipped with mobile video recording equipment and transmitter activated equipment. Each traffic and pedestrian stop made by an officer of this department that is capable of being recorded by video and/or audio, as appropriate, shall be recorded.

- B. All officers operating a vehicle with functioning MVR equipment shall wear the

microphone or wireless transmitter supplied with each system.

1. Officers shall wear the wireless transmitter on their uniform shirt epaulet.
 2. Officers may elect to wear the wireless transmitter in a shirt pocket. Should this option be used, the officer shall attach an external microphone to the wireless transmitter. The external microphone shall be worn on the outermost garment in a position that will achieve the best audio recording possible.
- C. Officers shall not use any personally owned mobile video and/or audio recording device without authorization from the Chief of Police. This includes, but not limited to, audio recorders, cellular telephones, video cameras, and/or still cameras.
- D. The officer will use MVR equipment to record all portions of the following incidents:
1. Responding to calls for service in emergency mode (Code 2 or 3).
 2. Vehicle pursuits
 3. Traffic stops, including the investigation of a vehicle and occupants already stopped or parked.
 - a. The officer on a traffic stop will continue to record until the stopped vehicle departs or until they leave the scene.
 - b. Officers assisting on traffic stops will continue to record until the stopped vehicle departs or until the officers leave the scene.
 4. Pedestrian stops / Field interviews
 - a. The officer on a pedestrian stop/field interview will continue to record until the pedestrian departs or until the officer leaves the scene.
 - b. Officers assisting on pedestrian stops/field interviews will continue to record until the pedestrian departs or until the officer leaves the scene.
 5. Suspect Detentions
 - a. Officers shall use the MVR equipment to record the actions of suspects during interviews, when undergoing field sobriety tests, or when placed in custody.

6. Field Arrest Incidents

7. Incident / Crime Scenes

- a. Officers shall use the MVR equipment to record the circumstances at crime and accident scenes or other events such as confiscation or documentation of evidence or contraband if the recording would prove useful in later judicial proceedings.
 - b. This includes, but is not limited to, family violence and disturbance calls, suicidal subjects, and suspicious circumstances.
8. The transport of any person regardless of custody status (e.g. handcuffed prisoner, courtesy ride, etc.) excluding authorized ride-alongs.
9. Requests for consent to search.

IV. BODY WORN CAMERAS (BWC)

- A. Body Worn Cameras are intended for official Department use only and are not to be used for frivolous or personal activities. Intentional misuse or abuse of the camera units is strictly prohibited.
- B. Officers will only use Body Worn Cameras approved by the Department. Officers shall not use any personally owned device to record video and/or audio without authorization from the Chief of Police.
- C. Uniformed officers engaged in the patrol function will be equipped with a Body Worn Camera.
- D. Non-uniformed officers (i.e. Detectives, etc.) may utilize the Body Worn Camera while carrying out official police duties.
- E. Prior to utilizing a BWC, officers will ensure its readiness by conducting an operation inspection.
 1. Any problems preventing the use of the unit during the shift will be reported to the shift supervisor and an Equipment Malfunction Report shall be completed.
- F. Officers shall wear the BWC on the front of their uniform shirt, centered with the chest at the sternum level to provide an optimal visual field.
- G. Non-uniformed officers shall wear the BWC on the outermost garment in a position that will achieve the best video and audio recording possible.

H. Officers will activate the BWC to record all portions of the following incidents or activities:

1. Calls for service or self-initiated activity.
2. Traffic stops, including the investigation of a vehicle and occupants already stopped or parked.
 - a. The officer on a traffic stop will continue to record until the stopped vehicle departs or until they leave the scene.
 - b. Officers assisting on traffic stops will continue to record until the stopped vehicle departs or until the officers leave the scene.
3. Pedestrian stops / Field interviews
 - a. The officer on a pedestrian stop/field interview will continue to record until the pedestrian departs or until the officer leaves the scene.
 - b. Officers assisting on pedestrian stops/field interviews will continue to record until the pedestrian departs or until the officer leaves the scene.
4. Suspect Detentions
 - a. Officers shall use the BWC equipment to record the actions of suspects during interviews, when undergoing field sobriety tests, or when placed in custody.
5. Field Arrest Incidents
6. Incident / Crime Scenes
 - a. Officers shall use the BWC equipment to record the circumstances at crime and accident scenes or other events such as confiscation or documentation of evidence or contraband if the recording would prove useful in later judicial proceedings.
 - b. This includes, but is not limited to, family violence and disturbance calls, suicidal subjects, and suspicious circumstances.

I. Bike officers will activate the BWC on incidents or activities normally reserved for the in-car mobile video camera.

- J. Officers, if asked, shall inform questioners that the BWC is in use, and may, if appropriate, explain the purposes for its use.
- K. Officers will note in the narrative of reports when BWC recordings have been made during an incident.
- L. Officers will off-load the BWC recordings, via workstation docking cable, by the end of shift or upon indication that the device is nearing capacity.

V. MVR/BWC RECORDING CONTROL AND MANAGEMENT

- A. All video / audio recordings generated on department-owned equipment are the property of the Alamo Heights Police Department. The copying, reproduction, or use of any video / audio recording files generated by members of the department for use outside of department business is prohibited without authorization from the Chief of Police or his designee.
- B. Mobile video and body worn camera recordings containing information that may be of value for case prosecution or in any criminal or civil adversarial proceeding will be safeguarded as other forms of evidence.
- C. Recordings of an evidentiary nature will be subject to the same security restrictions and chain of evidence safeguards as detailed in AHPD Policy 12.1, Property and Evidence.
- D. Access to MVR/BWC recordings is restricted to sworn personnel unless authorized by the Chief of Police or his designee. Viewing privileges of MVR/BWC recordings for Department personnel shall be established by the Chief of Police or his designee.
- E. MVR/BWC recordings will not be released to another criminal justice agency for trial or other reasons without having a duplicated copy made and returned to safe storage.
 - 1. Recordings will not be released to other than bona fide criminal justice agencies without prior approval of the Chief of Police or his designee.
 - 2. Recordings will be maintained by the Records Division unless ordered otherwise by the Chief of Police or his designee.
- F. No member of the Department shall alter, erase, modify, reuse, tamper with or disable any mobile or body worn video / audio recording equipment in any manner.
 - 1. Media containing MVR/BWC recordings may be destroyed per court order by C.I.D. personnel.

- G. All original recordings will be retained for a period to be determined by the Chief of Police and in compliance with any records retention laws.
- H. If a complaint is filed with the Department alleging an officer engaged in racial profiling with respect to a traffic or pedestrian stop, the Department shall retain the MVR/BWC recordings of the stop until final disposition of the complaint. If an officer becomes the subject of a complaint alleging racial profiling and the officer makes a written request, the officer shall be provided a copy of the MVR/BWC recordings of the incident.
- I. Officers aware of MVR/BWC recordings containing material that may be deemed beneficial as training material are encouraged and shall direct notification up the chain-of-command.

VI. COURT / EVIDENTIARY RECORDINGS

- A. When MVR/BWC recordings are needed for court or evidentiary purposes, the officer shall request the recordings from the C.I.D. supervisor. A duplicate of the MVR/BWC recording will be made and processed as normal evidentiary material in accordance with Department policy.
- B. If the MVR/BWC recordings are not retained by the requesting court, the recordings will be returned to the C.I.D. supervisor for disposition.

VII. REQUESTS FOR MVR RECORDINGS

- A. Any request for a MVR/BWC recording must be made prior to the end of the prescribed retention period.
- B. Requests for duplicates of MVR/BWC recordings originating from within the Department must be submitted to the Chief of Police or his designee. Recordings of an evidentiary nature may be submitted to the Criminal Investigations Division.
- C. Any request for a MVR/BWC recording by the District Attorney's office or City prosecutor will be permitted with the approval of the C.I.D. supervisor.
- D. Media requests for MVR/BWC recordings will be referred to and handled by the designated Public Information Officer (PIO). The PIO will release the recordings with approval of the Chief of Police or his designee.
- E. **Open Records requests by persons outside the Department to view or obtain a copy of an MVR/BWC recording will be handled under Open Records Act procedures.**

1. Outside requests must be submitted through the Records Division.

Recordings of an evidentiary nature will only be released with the approval of the District Attorney's Office.

2. Requests are then directed to the C.I.D. supervisor for duplication. The Chief of Police or his designee will be responsible for determining to what extent the contents of the video are to be released.
3. Requests for recordings from criminal justice agencies shall be submitted in writing.
4. All other requests for duplicate recordings shall be referred to the Chief of Police or his designee. Requests should include specific information regarding the incident, i.e. date, time, location, etc.

VIII. SUPERVISOR RESPONSIBILITIES

- A. Supervisors will ensure officers follow established procedures for the use and maintenance of MVR/BWC equipment.
- B. Supervisors will ensure the MVR/BWC recordings are off-loaded to the server at the end of the officer's tour of duty.
- C. Supervisors will conduct periodic and random inspections, on at least a weekly basis, of MVR/BWC equipment to determine if the MVR/BWC equipment is being fully and properly used, and to identify material that may be appropriate for training.
- D. Supervisors will ensure all statistical reporting requirements are being completed as required to ensure adequate program evaluation.
- E. Supervisors will assign police vehicles with faulty or no MVR/BWC equipment as a last resort.
- F. Supervisors will ensure that an "Equipment Malfunction Report" is submitted to the Patrol Commander for any damaged or non-functional MVR/BWC equipment. The Patrol Commander will ensure that non-functional MVR/BWC equipment is tracked and sent for repair or replacement.
- G. The Patrol Commander will randomly review MVR/BWC recordings on at least a weekly basis. During that review, a specific incident will be identified and reviewed in its entirety. These reviews will be conducted for training and integrity purposes.
- H. The Patrol Commander will review MVR/BWC recordings in incidents involving:
 1. Injury to Prisoners

2. Use of Force
3. Injury to Officers
4. Vehicle Pursuits
5. Citizen Complaints