



# SAN ANTONIO POLICE DEPARTMENT GENERAL MANUAL



## Procedure 618 – Racial/Bias Profiling/Immigration Policy

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| Forms Referenced in Procedure:             | SAPD Form #2-2<br>SAPD Form 2-3<br>SAPD Form #200-OR<br>SAPD Form #87-J15<br>SAPD Form #24-1A<br>SAPD Form #2055 GCD | Related Procedures:                     | 508                                    |

### .01 INTRODUCTION

This procedure reaffirms the San Antonio Police Department’s commitment to unbiased policing in all its encounters between officers and any persons; and to establish procedures 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 Department policy and the law.

### .02 POLICY

- A. It is the policy of the San Antonio Police Department to provide equal protection to all citizens. Toward this end, police officers employed by the San Antonio Police Department are strictly prohibited from engaging in racial/bias profiling in any aspect of law enforcement-initiated actions.
- B. Police Officers shall not use race, national origin, citizenship, religion, ethnicity, age, gender, sexual orientation, or physical or mental disability for a law enforcement-initiated action, except to determine whether a person matches a specific description of a particular suspect.

### .03 TERMINOLOGY *(For specific use within this procedure, see Glossary)*

|                 |                |                                  |                      |
|-----------------|----------------|----------------------------------|----------------------|
| Field Contact   | Interview      | Law Enforcement-Initiated Action | Motor Vehicle Stop   |
| Pedestrian Stop | Probable Cause | Racial/Bias Profiling            | Reasonable Suspicion |
| Search          | Stop and Frisk |                                  |                      |

### .04 RESPONSIBILITIES

- A. Each officer has a responsibility for preventing racial/bias profiling. Officers must remain customer-oriented, while also considering their safety and the safety of others. Officers should:
  - 1. Extend a customary greeting to each person they stop or detain;
  - 2. Identify themselves by name;
  - 3. Explain the reason for the stop or detention;
  - 4. Afford the person the opportunity to provide their explanation of their behavior;
  - 5. Politely ask for the person’s identification; and
  - 6. Remain courteous and project a professional demeanor during the interview or questioning.
- B. Officers shall refrain from participating in or encouraging any actions or statements which could be perceived as racial/bias profiling. They must document the law enforcement-initiated action and report any acts or perceived acts of racial/bias profiling in accordance with Subsection .05B of this procedure.



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- C. Each officer is responsible for assisting in the prevention of racial/bias profiling by the following actions:
1. Officers making custodial/non-custodial arrests shall base the arrests on probable cause supporting the elements of the offense and not on racial/bias profiling.
  2. Officers conducting a lawful detention, including stop and frisks, shall base the lawful detention on reasonable suspicion at the time of the stop and not on racial/bias profiling.
  3. Officers conducting field contacts (interviews) shall do so in accordance with GM Procedure 508, *Field Contacts*.
  4. Officers shall refrain from participating in or encouraging any actions or statements which could be reasonably perceived as racial/bias profiling.
  5. Officers shall report any acts of racial/bias profiling in writing to their immediate supervisor.
- D. Supervisory officers shall monitor the actions of the officers under their command to ensure racial/bias profiling does not occur and is not condoned. Supervisors shall:
1. Take immediate and appropriate remedial action whenever they observe, or are made aware of, any racial/bias profiling.
  2. Immediately document any complaint or observed incident of any acts or perceived acts of racial/bias profiling in accordance with Section .05.
  3. Immediately submit all reports of racial/bias profiling through their chain of command to their Division Commander.

### **.05 COMPLAINT PROCESS**

- A. The San Antonio Police Department will accept and investigate all complaints from any person who believes he/she has been stopped or searched based on racial/bias profiling. No person shall be intimidated, coerced, or discouraged in any manner from filing a complaint, nor discriminated against because he/she filed such a complaint.
- B. Any Officer who receives an allegation of racial/bias profiling, including the officer who initiated the stop, shall immediately report the allegation of racial/bias profiling to his/her immediate supervisor.
1. The Officer shall also document the allegation in writing on SAPD Form #2-2, *Incident Report*.
  2. The incident report shall include the nature of the complaint or allegation along with the name, address and telephone number of each complainant and witness.
  3. After the incident, the report shall be immediately completed and given to the Officer's supervisor.
  4. The Officer shall also explain to the complainant the Department's process for filing a complaint with the Internal Affairs Unit.
  5. If the complainant request to speak with a supervisor, the Officer shall immediately notify a supervisor of the request.
- C. Supervisory officers addressing racial/biased profiling complaints shall:
1. Immediately notify the Section Commanders or Unit Directors of any cases where an officer is involved in allegations of serious misconduct or suspected criminal activity;



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2. Immediately contact and interview the complainants;
  3. Refer the complainants to the Internal Affairs Unit to initiate formal complaints;
  4. Interview and obtain written reports from the subject officers of the complaints. Officers who are the subject of the complaint shall submit their written reports on SAPD Form #200-OR, *Officer's Response to a Complaint*;
  5. Obtain necessary information, which assists in the evaluation of the complaints;
  6. Prepare preliminary complaint investigation packets including the information provided by the complainants, witnesses, the officers' reports, and the supervisors' reports;
  7. Supervisors will not enumerate or make recommendations as to the specific rule, regulation, policy, or procedure violated, nor will they make a recommendation as to punishment. Supervisors will only recommend either no disciplinary action is necessary or the complaint should be forwarded to the Internal Affairs Unit for further investigation;
  8. Route the preliminary complaint investigation packets through the chain of command to their Division Commander.
  9. The Division Commander shall route the completed complaint investigation packet to the Internal Affairs Unit.
- D. The Internal Affairs Unit investigates all complaints of racial/bias profiling against officers. The Internal Affairs Unit presents the findings of all formal complaint investigations of racial/bias profiling to the Chief's Advisory Action Board. The complainants will receive written notification advising them of the final disposition of their complaint.

### **.06 TRAINING**

The Department shall be responsible for providing training to all officers in racial/bias profiling to emphasize the need to respect the rights of all citizens to be free from unreasonable government intrusion or law enforcement-initiated action. This training shall include:

- A. Cadet Training;
- B. Annual In-Service Training;
- C. Input from those classes of persons identified in this policy in development of curriculum;
- D. Incorporation of the TCOLE Curriculum; and
- E. Specific lesson plans for Patrol Officers, Supervisors, FTOs, etc.

### **.07 DISCIPLINARY ACTIONS**

- A. The SAPD considers racial/bias profiling a serious form of officer misconduct. The Department shall take direct and immediate actions to prevent such behavior, and to remedy all reported instances of racial/bias profiling.
- B. Officers who are found to have engaged in racial/bias profiling will be subject to appropriate corrective action including, but not limited to, referral to the Officer Concern Program, and/or discipline such as discharge or criminal actions.



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### **.08 DATA COLLECTION**

- A. Racial Profile data must be collected on the **operator of any motor vehicle** stopped for an alleged violation of a law or ordinance. Officers who initiate a motor vehicle stop, which does not result in the production of an Incident or Offense report, shall document such occurrence by submitting one the following forms:
1. Traffic citation;
  2. Traffic warning citation;
  3. Curfew violation (Form 87-J15);
  4. Field Interview (Form 2-3);
  5. DWI report (Form 24-1A); or
  6. Gang Contact Data Sheet (Form 2055-GCD).
- B. The above forms are designed for the primary purpose of law enforcement; however, they have been modified to comply with governmental mandates on racial/bias profiling. As such, they must be filled-out correctly, completely, and on a timely basis.
- C. Profile Data shall be filled out only once for each individual (**operator of motor vehicle only**). If a traffic citation or warning citation is the only documentation of the motor vehicle stop, the information shall be included on the citation. If an Incident Report, Offense Report, Curfew Violation, Field Interview, DWI Report, or Gang Form is written, the profile data should go on the report or form and not on the citation.
- D. Officers making motor vehicle stops requiring racial profile data collection on the citation must complete the following boxes on the citation for the **operator of the motor vehicle**:
1. Box A1 – Location of Profile Data
    - a. 0 – *Profile data on citation*
    - b. 1 – *Profile data on report* (case # required)
  2. Box A2 – Race/Ethnicity known prior to detention
    - a. 0 – *NO*
    - b. 1 – *YES*
  3. Box A3 – Race/Ethnicity
    - a. 1 – *White*
    - b. 2 – *Black*
    - c. 3 – *Hispanic*
    - d. 4 – *Asian/Pacific Islander*
    - e. 5 – *Native American*



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- f. 6 – *Middle Eastern/East Indian*
- 4. Box A4 – Initial reason for the stop
  - a. 0 – *Traffic law violation*
  - b. 1 – *Other law violation*
  - c. 2 – *Dispatched – with vehicle description*
  - d. 3 – *Dispatched – with officer initiated stop*
  - e. 4 – *Field contact*
  - f. 5 – *Suspicious conduct*
- 5. Box A5 – Search
  - a. 0 – *None*
  - b. 1 – *Consent*
  - c. 2 – *Non-consent*
- 6. Box A6 – Reason for search
  - a. 0 – *N/A*
  - b. 1 – *Contraband/evidence in plain view*
  - c. 2 – *Probable cause*
  - d. 3 – *Reasonable suspicion*
  - e. 4 – *Vehicle towed*
  - f. 5 – *Arrest*

- 7. Box A7 – Contraband or evidence
  - a. 0 – *None*
  - b. 1 – *Yes* See report\*\* (case # required)

\*\* *If the answer to this question is “yes,” a report needs to be written and the profile data should go on the report and not on the citation.*

- 8. Box A8 – Custodial Arrest Made
  - a. 0 – *No*
  - b. 1 – *Yes* See report\*\* (case # required)

\*\* *If the answer to this question is “yes,” a report needs to be written and the profile data should go on the report and not on the citation.*



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- E. Officers making motor vehicle stops requiring racial profile data collection on a form other than a traffic or warning citation shall fill out the report completely, listing the following information in the appropriate boxes for the **operator of the motor vehicle**:
1. Race/Ethnicity known prior to detention
    - a. 0 – *NO*
    - b. 1 – *YES*
  2. Reason for stop
    - a. 0 – *Traffic law violation*
    - b. 1 – *Other law violation*
    - c. 2 – *Dispatched – with vehicle description*
    - d. 3 – *Dispatched – with officer initiated stop*
    - e. 4 – *Field contact*
    - f. 5 – *Suspicious conduct*
  3. Search
    - a. 0 – *None*
    - b. 1 – *Consent*
    - c. 2 – *Non-consent*
  4. Reason for search
    - a. 0 – *N/A*
    - b. 1 – *Contraband/evidence in plain view*
    - c. 2 – *Probable cause*
    - d. 3 – *Reasonable suspicion*
    - e. 4 – *Vehicle towed*
    - f. 5 – *Arrest*
  5. Custodial Arrest Made
    - a. 0 – *No*
    - b. 1 – *Yes – Violation of Penal Code*
    - c. 2 – *Yes – Violation of Traffic Law*



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- d. 3 – *Yes – Violation of Ordinance*
- e. 4 – *Yes – Warrant*
- f. 5 – *Yes – Other Law Violation*
- 6. Citation Issued
  - a. 0 – *None*
  - b. 1 – *Written warning*
  - c. 2 – *Written traffic citation*
  - d. 3 – *Misdemeanor citation*
- 7. Contraband or evidence
  - a. 0 – *None*
  - b. 1 – *Drugs/Paraphernalia*
  - c. 2 – *Money*
  - d. 3 – *Firearm*
  - e. 4 – *Knife/Edged Weapon*
  - f. 5 – *Other Weapon*
  - g. 6 – *Alcohol/Tobacco*
  - h. 7 – *Stolen Property*
  - i. 8 – *Other*

### **.09 PUBLIC INFORMATION**

- A. The Department shall be responsible for providing public information relating to the agency's efforts to comply with government mandates on racial/bias profiling. This will include public education relating to the agency's complaint process. Avenues for this information may include the distribution of the San Antonio Police Department Internal Affairs Unit pamphlets and News/Press releases.
- B. It is the responsibility of the Police Media Services Detail to ensure copies of news articles, educational stories, and videos relating to racial/bias profiling are annually maintained to provide documentation of this Department's commitment to educating the public.

### **.10 ANNUAL ANALYSES AND REPORTING**

- A. All racial/bias information required to be collected in accordance with Article 2.133 of the Code of Criminal Procedure must be compiled and analyzed annually
- B. In accordance with Article 2.134 of the Code of Criminal Procedure, the previous year's information collected on racial/bias profiling must be submitted to the governing body of the City of San Antonio and to the Texas Commission on Law Enforcement (TCOLE) by March 1<sup>st</sup> of each year.



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### **.11 IMMIGRATION POLICY**

- A. Officers will not refer persons to Immigration and Customs Enforcement (ICE) unless the person has a federal deportation warrant. National Origin, immigration status, ethnicity or race are not a basis for an arrest and officers will not base any arrest on those conditions.
  - 1. The San Antonio Police Department, in conjunction with other entities, will assist crime victims and witnesses in obtaining U-Visas. The U-Visa is an immigration benefit that can be sought by victims of certain crimes who are currently assisting or have previously assisted law enforcement in the investigation or prosecution of a crime, or who are likely to be helpful in the investigation or prosecution of criminal activity.
  - 2. Arrested persons will have their identities verified by Bexar County Deputies at the Bexar County Jail. Decisions regarding deportation are not/will not be made by SAPD officers.
  - 3. Officers do not conduct background checks on everyone they encounter.
- B. Officers will verify identification and perform a background check on people to whom they are issuing a citation, legally detaining, arresting, or processing for magistration.
  - 1. Officers may take into custody any person who cannot provide valid identification or sufficient information for an officer to confirm the person's identity.
  - 2. Valid identification includes, but is not limited to, state identification cards, driver's license, government IDs such as passports or military ID. The "Matricula Consular," issued by the Mexican Consulate, will also be considered an acceptable form of identification.
  - 3. Once identity has been confirmed, officers will decide whether to release a person who is being detained who is either a witness or the recipient of a citation, or based on probable cause, arrest the person.
- C. Officers will not detain and/or arrest an individual based on the fact or suspicion that they are in the United States illegally.
  - 1. The enforcement priorities of the San Antonio Police Department are to protect public safety and foster community trust. The priorities do not include asking individuals for proof of citizenship or legal residency.
  - 2. Officers may not inquire into the immigration status of a victim of or witness to an alleged criminal offense unless the officer determines that the inquiry is necessary to:
    - (1) investigate the offense; or
    - (2) provide the victim or witness with information about federal visas designed to protect individuals providing assistance to law enforcement.
  - 3. Officers are authorized to arrest persons based on probable cause that a crime has been committed. Immigration status alone is not probable cause for an arrest.
  - 4. Officers having reasonable suspicion that a person or persons may be a victim or suspect in human trafficking will immediately notify a supervisor and the appropriate follow-up unit, and will handle matter in accordance with GM Proc. 713, *Human Trafficking*.