

	SCHLEICHER COUNTY SHERIFF'S OFFICE	
	Policy: 2.1 Racial Profiling and Biased-Based Policing	
	Effective Date: January 1, 2025	Replaces: All Previous Versions
	Approved: <div style="text-align: center;">  <hr style="width: 60%; margin: 0 auto;"/> </div>	
	Sheriff	
Reference: TBP 2.01		

I. POLICY

The Schleicher County Sheriff's Office is committed to 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 will exercise our sworn duties, responsibilities, and obligations in a manner that does not discriminate based on race, sex, gender, sexual orientation, national origin, ethnicity, age, or religion. Respect for diversity and equitable enforcement of the law are essential to our mission.

All enforcement actions will be based on the standards of reasonable suspicion or probable cause as required by the Fourth Amendment to the U. S. Constitution and by statutory authority. In all enforcement decisions, officers will be able to articulate specific facts, circumstances, and conclusions that support probable cause or reasonable suspicion for arrests, searches, seizures, and stops of individuals. Officers will not stop, detain, arrest, search, or attempt to search anyone based solely upon the person's race, color, religion or creed, national origin or ancestry, sex, age, physical or mental disability, veteran status, genetic information, or citizenship.

All agency orders are informed and guided by this directive. Nothing in this order limits non-enforcement consensual 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 to emphasize the importance of the constitutional guidelines within which we operate.

III. DEFINITIONS

Most of the following terms appear in this policy statement. 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 ongoing discussion and analysis of our enforcement practices.

A. Arrest: To take or hold a suspected criminal with legal authority. An arrest may be made legally based on a warrant issued by a court after receiving a sworn statement of probable cause to believe there has been a crime committed by this person, for an apparent crime committed in the presence of the arresting officer, or upon probable cause to believe a crime has been committed by that person.

B. Bias: Prejudice or partiality based on preconceived ideas, a person's upbringing, culture, experience, or education.

C. Biased Policing: Stopping, detaining, searching, or attempting to search, or using force against a person based upon his or her race, color, religion or creed, national origin or ancestry, sex, age, physical or mental disability, veteran status, genetic information, or citizenship.

D. Detention: Requiring an individual to remain with the officer for a brief period for the purpose of investigating the actions of the individual. To make the stop, the officer must have reasonable suspicion to believe that criminal activity is afoot and that the person to be detained or stopped is involved.

E. Ethnicity: A cluster of characteristics that may include race but also cultural characteristics or traits that are shared by a group with a common experience or history.

F. Gender: The state of being male or female; typically used with reference to social and cultural differences rather than biological ones.

G. 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.

H. Race: A category of people of a particular descent, including Caucasian, African, Hispanic, Asian, Middle Eastern, or Native American descent. As distinct from ethnicity, race refers only to physical characteristics sufficiently distinctive to a group of people under a classification.

I. 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.

J. Reasonable Suspicion: Articulate, objective facts that lead a reasonable officer to suspect that a person has committed, is committing, or may be about to commit a crime. A reasonable 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."

K. Sex: A biological classification, male or female, based on physical and genetic characteristics.

L. Stop: An investigative detention. The detention of a subject for a brief period, based on reasonable suspicion or probable cause.

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, color, religion, or creed, national origin or ancestry, sex, age, physical or mental disability, veteran status, genetic information, or citizenship. 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. Investigative detentions, traffic stops, arrests, searches, and property seizures by officers will be based on a standard of reasonable suspicion or probable cause in accordance with the Fourth Amendment of the U.S. Constitution. Officers must be able to articulate specific facts and circumstances that support reasonable suspicion or probable cause for investigative detentions, traffic stops, subject stops, arrests, nonconsensual searches, and property seizures. Except as provided in number 3 below, officers will not consider race/ethnicity or national origin in establishing either reasonable suspicion or probable cause. Similarly, except as provided below, officers will not consider race/ethnicity in deciding to initiate even those non-consensual encounters that do not amount to legal detentions or to request consent to search.

3. Officers may consider the reported race/ethnicity or national origin of a specific suspect or suspects based on specific articulable facts to develop reasonable suspicion or probable cause that links a person or persons of a specific race/ethnicity or national origin to a particular unlawful incident(s). Race/ethnicity or national origin can never be used as the sole basis for probable cause or reasonable suspicion. Except as provided above, reasonable suspicion or probable cause will form the basis for any enforcement actions or decisions. Individuals will be subjected to stops, seizures, or detentions only upon reasonable suspicion that they have committed, are committing, or are about to commit an offense. Officers will document the elements of reasonable suspicion and probable cause in appropriate reports.

4. Officers will observe all constitutional safeguards and will respect the constitutional rights of all persons.

a. As traffic stops furnish a primary source of bias-related complaints, officers will 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 will not use the refusal or lack of cooperation to justify a search of the person, vehicle, or a prolonged detention once reasonable suspicion has ended.

5. All employees will treat everyone with the same courtesy and respect that they would have others observe to them. To this end, employees are reminded that the exercise of courtesy and respect engenders a future willingness to cooperate with law enforcement.

6. Employees will courteously accept, document, and forward to the appropriate supervisor any complaints made by an individual against the agency. Further, employees will provide information on the complaint process or direct them to the front lobby or the city website for a copy of "How to Make a Complaint" when appropriate.

7. When feasible, employees will offer explanations of the reasons for enforcement actions or other decisions that bear on the individual's circumstances unless the explanation would undermine an investigation or jeopardize an officer's safety.

8. When feasible, all employees will identify themselves by name. When a person requests the information, employees will give their badge number, the name of the immediate supervisor, or any other reasonable information.

B. Supervisory Responsibilities

1. Supervisors will be held accountable for the observance of constitutional safeguards during the performance of their duties. Supervisors will identify and correct instances of bias in the work of their subordinates.

2. Supervisors will use the disciplinary mechanisms of the agency to ensure compliance with this order and the constitutional requirements of law enforcement.

3. Supervisors will be mindful that in accounting for the actions and performance of subordinates, supervisors are key to maintaining community trust in law enforcement. Supervisors will continually reinforce the value of impartial enforcement of the laws and will ensure that employees, by their actions, maintain the community's trust in law enforcement.

4. Supervisors are reminded that biased enforcement of the law engenders not only mistrust of law enforcement but also increases safety risks to employees. Lack of control over bias also exposes the agency to liability consequences.

5. Supervisors will be held accountable for repeated instances of biased enforcement of their subordinates.
6. Supervisors will ensure that all enforcement actions are duly documented per agency policy. Supervisors will ensure that all reports show adequate documentation of reasonable suspicion and probable cause, if applicable.
7. Supervisors will facilitate the filing of any complaints about law enforcement services.
8. Supervisors will randomly review at least three videos per officer (either body camera and/or in-car camera video) per quarter. For this policy, a “quarter” is defined as a 3-month period. Supervisors are not required to watch each incident of an entire shift; however, reviewing the footage in a manner intended to gain an understanding of that officer’s performance and adherence to policy and law is required. Supervisors will document the random review of the video on the appropriate agency form and any violations of policy or law will be addressed using existing internal affairs policy. (TBP: 2.01)
9. Section 8 above applies only to first-line uniformed officers and their immediate supervisors. In the long-term absence of a first-line supervisor, this responsibility will move to the Chief Deputy. NOTE: This policy does require a review of every first-line uniformed officer every quarter, which is a higher standard for video review than what is required of all employees in general with video as listed in general order 5.2 Computer and Electronics Equipment Usage and Data Security.

C. Disciplinary Consequences

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

D. Training (TBP: 2.01)

Officers will complete all training required by state law regarding bias-based profiling.

V. COMPLAINTS

A. The agency will publish “How to Make a Complaint” and post it on the Schleicher County Sheriff’s Office website. The website post will describe the agency’s complaint process, and its bias-based profiling policy will also be posted on the website. Whenever possible, the media will be used to inform the public of the agency’s policy and complaint process.

B. Complaints alleging incidents of bias-based profiling will be fully investigated as described under policy 2.3 Internal Investigation Process.

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

VI. RECORD KEEPING

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

B. The information collected above will be reported to the Schleicher County Commissioners Court annually.

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