

TATUM ISD POLICE DEPARTMENT

Policy: Impartial Policing

Effective Date: August 10, 2022

Approved: Omar Zuniga

Chief of Police

I. POLICY

This policy is to require that all Tatum ISD Police Department officers conduct policing in a fair and impartial manner, to clarify the circumstances in which officers can consider personal characteristics, or immigration status, when making law enforcement decisions and to reinforce processes and procedures that enable us to provide services and enforce laws in an equitable and impartial way. Tatum ISD Police Department is required to adopt each component of this policy.

II. DEFINITIONS

Biased policing: is conduct by law enforcement officers motivated by an individual's actual or perceived or self-identified personal characteristics.

Personal characteristics: May include but is not limited to actual or perceived identity, race, ethnicity, national origin, color, gender, sexual orientation, gender identity, marital status, mental or physical disability, age, religion and socio-economic status.

Immigration status: Generally, refers to the legal rights, if any, of a non-citizen to enter or remain in this country. Examples include, without limitation, lawful permanent resident, temporary worker, refugee, and undocumented.

Reasonable suspicion: Suspicion, for which an officer can articulate factual reasons, does not need to rise to the level of probable cause.

Probable cause: Facts or circumstances that would lead a reasonable person to believe that a crime has been committed, or is being committed, or is about to occur.

Member or employee: any employee employed by TISDPD, regardless of their assigned tasks or duties.

Federal immigration authorities: federal agencies, departments, or employees or contractors thereof, tasked with enforcement of immigration law and border entry, including without limitation, the Department of Homeland Security (DHS), Immigration Control and Enforcement (ICE), and U.S. Customs and Border Patrol (CBP).

III. PROCEDURES

Policing Impartially:

- a. As required by law, all enforcement actions by law enforcement officers, such as investigation, detentions, traffic stops, arrests, searches and seizures, etc. must be based on reasonable suspicion, probable cause or other or relevant exigent circumstances, supported by articulable facts, circumstances, and conclusions that support the given action.

- b. TISDPD may take into account reported race, ethnicity or other personal characteristics of persons based on credible, reliable, locally relevant, temporally specific information that links a person of specific description to particular criminal incidents and is combined with other identifying information.
- c. Under federal and state law, law enforcement agencies are required to provide qualified interpretation services, either in person or telephonically, to any person in need of it. TISDPD shall not contact federal immigration authorities for interpretation services, unless a clear emergency requires it and qualified interpretation services are not available through any other means. Unless one of the exceptions included in Section VII applies, the TISDPD shall not ask about the immigration status of the person for whom interpretation is sought.

Community Relations:

To cultivate and foster transparency and trust with all communities each TISDPD officer shall do the following when conducting pedestrian and vehicle stops or otherwise interacting with members of the public unless circumstances indicate it would be unsafe to do so:

- a. Be courteous and professional;
- b. Introduce him/herself to person (providing name and agency affiliation), and state the reason for the stop as soon as practicable unless providing this information will compromise officer or public safety, or a criminal investigation;
- c. Ensure that a detention is no longer than necessary to take appropriate action for the known or suspected offense and the TISDPD officer conveys the purpose of the reasonable delays;
- d. Provide officers name verbally when requested. Officer may also provide the information in writing or on a business card;
- e. In addition to the above, officers should answer relevant questions the person may have if doing so will not compromise safety and/or the investigation.

Responding to Bias-Based Reports or Reports Regarding Bias from the Community:

- a. If any TISDPD officer receives a call for service that appears to be based solely on an individual's perceived personal characteristics or immigration status, the officer will attempt to ascertain if there are other circumstances or facts that would constitute reasonable suspicion or probable cause. If the complainant can offer no further information, the complainant will be advised that a supervisor will be in contact at the first opportunity.
- b. The shift supervisor should attempt to familiarize the caller with the TISDPD Fair and Impartial Policing policy. If the caller is concerned about the person's perceived immigration status, the caller should be referred to federal authorities.
- c. At the conclusion of the call, the shift supervisor will document the contact using TISDPD's incident report system.
- d. If an officer receives a report of a potentially biased or hate-motivated incident, TISDPD shall either dispatch an officer to evaluate the complaint or refer the caller to the supervising officer in charge.

Training:

- a. The TISDPD will ensure that, at a minimum, all members and employees are compliant with the Board and legislative requirements regarding fair and impartial policing training.
- b. Additional trainings may include but not be limited to instruction on anti-bias, power and privilege, non-English speaking communities, undocumented communities, and victim/witness services.

Accountability and Compliance:

- a. The process for making a complaint shall be readily available to the public. Reasonable efforts should be made to accommodate language barriers.
- b. All TISDPD officers are required to promptly report allegations, complaints or knowledge of biased policing or suspected violations of this policy to their supervisor and the Chief of Police. Where appropriate, employees are required to intervene at the time the biased policing incident occurs.
- c. State law requires all Texas law enforcement agencies to conduct valid investigations of alleged biased law enforcement, even if the named member or employee resigns.
- d. Violations of the policy shall result in appropriate disciplinary action as set forth in the TISDPD rules and regulations. Supervisors shall ensure that all employees in their command are familiar and in compliance with the content of this policy. Supervisors will be alert for and respond to indications of potential biased policing.

Establishing Identity:

- a. TISDPD officers may make attempts to identify any person they detain, arrest, or who come into the custody of the TISDPD.
- b. Acceptable forms of identification, which must include a photograph of the individual, include, but are not limited to, driver's licenses from any U.S. state or foreign country, government-issued IDs by a U.S. jurisdiction, foreign passports, and consular ID cards. All identification is subject to reasonable scrutiny and follow-up for authentication consistent with the provisions of this policy.
- c. An individual shall not be stopped or detained solely for the purpose of establishing his or her identity. However, if the individual has already been stopped for a lawful purpose, he or she may be subject to objectively reasonable additional detention in order to establish identity (e.g., inquiry into identity during the course of a lawful traffic stop).
- d. In exercising their discretion to use federal resources to establish an individual's identity, TISDPD officers should remain mindful that
 1. their enforcement duties do not include civil immigration enforcement
 2. TISDPD stands by its mission to serve all Tatum ISD staff and students, including immigrants, and to ensure trust and cooperation of all victims/witnesses.