El PASO ISD POLICE DEPARTMENT
EL PASO, TEXAS

Police Contact Data

Annual Report

January 1, 2015 to December 31, 2015

El Paso ISD Police Department

February 19 , 2016

Superintendent Juan Cabrera and EPISD Board of Trustees:

Profiling members of the community based on race or ethnicity is prohibited by law and will never be tolerated within the El Paso ISD Police Department. The Texas legislature in an attempt to address the issue of racial profiling in policing passed the Texas Racial Profiling Law (S.B. 1074). Initially the El Paso ISD Police Department was advised by the Texas Department of Public Safety that they were exempt from the Racial Profiling requirements mandated by the Texas Legislature requiring the collection and reporting of data with regards to Racial Profiling.

Only recently with the passing of Texas House Bill 3389 (September 1, 2009) the El Paso ISD Police Department was advised that all Texas Police agencies are required to collect, maintain, and provide statistics regarding Racial Profiling within the department on a yearly basis and report to its governing body. As a result, this report is being submitted to the Board of Trustees for review.

The El Paso ISD Police Department has collected police contact data for the purpose of ensuring compliance with the law and preventing the practice of racial profiling. The finding in this report will serve as evidence that the El Paso ISD Police Department does not violate racial profiling laws, but instead we work diligently towards maintaining good relations with the community.

This Report contains sections designed to provide background information on the rational and objectives of the Texas Racial profiling Law. Other sections contain policies and procedures intended to prohibit racial profiling that have been adopted by the El Paso ISD Police Department.

I have reviewed the report findings and I am confident that the El Paso ISD Police Department is in compliance with, and does not violate racial profiling laws. I hope your review and approval if this report demonstrates the Departments pledge and mission of protecting the future by working closely with the community we serve.

Sincerely,

Victor Araiza
Chief of Police

MISSON STATEMENT

It is the mission of the El Paso ISD Police Department to provide services with integrity and dedication, to preserve life, to enforce the law, and to work in partnership with the community and other local, state and federal law enforcement agencies to provide a safe learning environment for all students, employees, and faculty within the El Paso Independent School District and The County of El Paso.

CORE VALUES

WE RESPECT LIFE . . .

We hold the preservation of life as our sacred duty. Our value of human life sets our priorities.

WE REVERE THE TRUTH . . .

We accept nothing less than truth, honesty and integrity in our profession.

WE ENFORCE THE LAW . . .

We recognize that our basic responsibility is to enforce the law. Our role is to resolve problems through the law, not to judge or punish.

WE SEEK COMMUNITY PARTNERSHIP . . .

We view the people of our community as partners who deserve our concern, care and attention. We are committed to reducing the fear of crime in our community, and we endeavor to do this by creating partnerships in our neighborhoods.

WE HONOR OUR POLICE POWERS . . .

We understand that our police powers are derived from the people we serve. We do not tolerate the abuse of our police authority.

WE CONDUCT OURSELVES WITH DIGNITY . . .

We recognize that our personal conduct, both on and off duty, is inseparable from the professional reputation of both the Officer and the Department.

General Department Policies : Updated January 2008

1-501. DISCRIMINATION. Employees have the right to a workplace free from discrimination, intimidation, retaliation and harassment from co-employees and supervisory personnel.
1-501.01 POLICY. It is the policy of the Police Department to maintain a working environment free of discrimination, harassment and intimidation and to foster the fair and respectful treatment

of employees and the public. As protectors and defenders of the community, it is especially critical for Police Officers to exhibit an attitude of tolerance and respect toward all citizens and fellow employees.

A. Employees will treat one another and members of the public with respect at all times. Employees who participate in any kind of discrimination, harassment, retaliation, or intimidation of another employee or a member of the public will be subject to disciplinary action, which may include termination. This includes, but is not limited to, negative prejudicial remarks, offensive jokes, the promotion of stereotypes and ridicule based on personal characteristics, age, health, race, ethnicity, sex, or sexual orientation.

B. Employees who report any misconduct are not to be subjected to any form or kind of harassment, retaliation or intimidation by co-employees, their chain of command, or any supervisory personnel.

1-501.02 PROCEDURE. Employees are encouraged to notify a supervisor, any command officer, the Chief of Police, Personnel Director, Human Resources to report instances of ridicule, intimidation, or discrimination.

A. Employees who feel they are the subject of harassment or intimidation as a result of reporting wrong doing, may immediately bring their complaint to any supervisor within their chain of command, any command officer, the Chief of Police, Personnel Director or Human Resources.

B. Any supervisor who receives a report of such misconduct will immediately take appropriate action to investigate the allegation or have it investigated by the appropriate authorities. Supervisory personnel will enforce all policies and procedures. If misconduct is reported by one employee against another, supervisors will ensure that no harassment, retaliation or intimidation of the reporting employee occurs.

1-502. SEXUAL HARASSMENT. Sexual harassment is a violation of Federal and State law and of City and Department policy; likewise, retaliation against an employee who files a complaint of sexual harassment is also prohibited by law. Respect for individual dignity is an integral part of this Department's philosophy and must be practiced by all employees.

1-502.01 "ZERO TOLERANCE" POLICY. The Department's Sexual Harassment Policy is in **addition** to the El Paso ISD Sexual Harassment Policy. Sexual harassment is viewed by the Department as serious misconduct that may result in disciplinary action as serious as termination. EPISD and the Department take a **zero tolerance** stance on sexual harassment.

1-502.02 DEFINITION. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other written, visual, verbal or physical conduct of a sexual nature or harassment that is based on gender when one or more of the conditions below exist:

A. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.

B. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual.

C. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

1-502.03 EMPLOYEE RESPONSIBILITY. Employees observing behavior they believe to be sexual harassment may choose to confront the offender directly, especially if the offended employee considers the offense minor in nature. Communicating personal boundaries and tolerances with others is important to reducing misunderstandings, increasing awareness and promoting mutual respect. However, confronting an offender is not a pre-requisite or

requirement for reporting the incident to a supervisor, the Personnel Director, or Human Resources.

A. Reporting Sexual Harassment. If an offended employee is uncomfortable with approaching the offender, or if the behavior continues after the employee has put the offender on notice, the offended employee may contact any of the following for assistance:

1 Any Department supervisor
2 The Chief of Police
3 The Personnel Director
4 Human Resources

B. Third Party Observations. Employees who witness conduct they believe is sexual harassment **will** report the incident to a supervisor immediately, irrespective of whether the offender was confronted directly. Employees who do not receive satisfactory response to their complaint will contact the next level of supervision or Human Resources.

1-502.04 SUPERVISOR RESPONSIBILITY. Supervisory employees will ensure that each workplace has a working atmosphere free from sexual harassment for all employees. The working environment will be businesslike, ensuring fair and courteous treatment for all employees and the public they serve.

A. Supervisors Mandate. Supervisors observing or made aware of any action or conduct that may be interpreted as sexual harassment **will** initiate an internal investigation. There is no discretion on the part of the supervisor under this circumstance. All complaints will be reported to the Personnel Director through the chain of command.

B. Confidentiality. Supervisors will ensure that, at their level, complaints of sexual harassment, and the investigation into the allegations, remain confidential.

III) Responding to the Texas Racial Profiling Law

a) Institutional Policy on Racial Profiling (definition/prohibition of racial profiling)

3-202. PATROL PROCEDURES.

3-202.01 RACIAL AND BIAS BASED PROFILING. Officers are strictly prohibited from engaging in racial and bias based profiling. The prohibition against racial and bias based profiling does not preclude the use of race, ethnicity, or national origin as factors in a detention decision by a peace officer. Race, ethnicity, or national origin may be legitimate factors in such a decision when used as a part of a description of a suspect or witness for whom a peace officer is searching.

A. Definitions.

1 Racial Profiling: a law enforcement-initiated action, such as a traffic stop, a detention, a search, issuance of a citation, or an arrest, 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. Racial 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.

2 Bias Based Profiling: the selection of individuals for enforcement action based solely on a trait common to a group. This includes, but is not limited to gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group.

3 Race or Ethnicity: of a particular descent, including Caucasian, African, and Hispanic, Asian,

or Native American descent.
4 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.
5 Traffic Stop: the stopping of a motor vehicle by a peace officer for an alleged violation of law or ordinance regulating traffic. *(Amended on 08-042006 C06-20)*

3-202.02 OFFICER INITIATED REPORTING DATA. Officers, on or off-duty, who stop motor vehicles for an alleged violation of a law or ordinance regulating traffic or who stop a pedestrian for any suspected offense will comply with the following:
A. The information required on the RMS/I-LEADS arrest module will be completed for each person detained or arrested. In the event that several people are present when making a pedestrian or traffic stop, information will be captured only for those who are contacted, questioned or searched. Officers making arrests will fill out the Y/N fields in the I-LEADS arrest module:

1 Arrest result of a traffic stop?
2 Was a citation issued?
3 Search conducted?
4 Consent search?
5 City of El Paso resident?

B. Training.
1 The Department will conduct annual training with sworn personnel on subjects that include, but are not limited to: profiling, cultural diversity, interaction with citizens, policy, ethics and related topics.
2 Training may be conducted through in-service, special courses, or roll-call training.
3 Participation in training will be documented and recorded in each officer's training record.
4 All officers will complete racial profiling training prior to the second anniversary of the date the officer is listed as a peace officer or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier.

C. Reporting Requirements.
1 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 EPISD board members no later than March 1 of the following year.
2 The annual report shall not include identifying information about any individual stopped or arrested.
3 The annual report will not include identifying information about any peace officer involved in a stop or arrest.

D. Investigating Complaints.
1 In investigating a complaint alleging racial profiling, the Chief of Police shall seek to determine if the officer who is the subject of the complaint has 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 practices. A single act constituting racial profiling may not be considered a pattern of

racial profiling, and shall not be grounds for corrective action.
2 Citizens may file complaints against any Officer at any EPISD PD headquarters. All complaints of racial profiling lodged

against an officer will be investigated by the IAD office fairly and objectively to determine the validity of such complaints. Disciplinary or corrective action will be established in a timely and consistent manner in accordance with state laws, local ordinances.

b) Implementation of Complaint Process Addressing Allegations of Racial Profiling Practices

The information contained in this section has been disseminated to the public as part of an educational campaign aimed at informing community members of the complaint process relevant to violations of the Texas Racial Profiling Law.

Volume: 2 Administrative Actions :

2-601. GENERAL ADMINISTRATIVE PROCEDURES. Supervisors of this Department will take appropriate action whenever they learn of any violation or deviation of the Civil Service Rules, the Code of Ethics, policies and procedures, or of any other orders or directives issued by the Chief of Police. All incidents needing documentation will be noted in the Supervisor's Daily Log. Further documentation may be made by the following means:

2-601.01 PRELIMINARY INFORMATION DOCUMENT (PID). This instrument is used to document events or circumstances which indicate a possible need for disciplinary or corrective action or further investigation. Only Captains, Commanders and Division managers can authorize the generation of a PID.

2-601.02 POSSIBLE ADMINISTRATIVE ACTIONS. At the discretion of the Chief of Police, the following measures may be imposed for the betterment of the Department and its employees. This list is not complete, but may be used as a guide.

1 Training.
2 Supervised field observations for a designated period.
3 Professional counseling (Officers only, per Contract).
4 Fitness for duty evaluation
5 Reassignment not resulting in a change in pay status.

2-602. ADMINISTRATIVE INVESTIGATION. Administrative investigations may be initiated by any supervisor. Incidents that are determined to be complex, involve discrimination or sexual harassment, involve Department employees from different units or shifts, or are of criminal or serious nature will be investigated by the Investigation Unit.

2-602.01 INVESTIGATION INDICATED. If, upon review of the daily logs, supervisors determine a possible need for disciplinary or corrective action, they will direct the employee's supervisor to prepare a Preliminary Information Document and the appropriate administrative statements. All documentation will be submitted to the Chief

of Police for the necessary action.

A. Division Level. When an investigation is conducted at the Division level, the investigating supervisor shall inform the complainant in writing on the status of the investigation on a monthly basis.

1. The LT. Of the affected region shall notify the complainant in writing of the results of the investigation and final disposition. It is the responsibility of the LT. to save all documentation on the investigation .

2-602.02 CONDUCTING ADMINISTRATIVE INVESTIGATIONS. The following guidelines will be followed when conducting administrative investigations of Department employees. The Internal Affairs Division investigations of Officers will be conducted in accordance with applicable provisions of the Contract.

A. Statement of Allegations. The investigating supervisor or Internal Affairs investigator shall provide the affected employee a written statement of the allegations and information concerning the employee's rights and responsibilities relative to the investigation. When confidentiality is necessary because of the sensitivity of the investigation, the employee will not be notified until immediately before the initial interview. The Allegations and Rights and Responsibilities form for sworn and non-sworn personnel will be completed by the employee and submitted to the investigator.

B. Interviews. The most involved portion of a personnel complaint investigation are the interviews. Investigators must determine who will be interviewed and the order in which the interviews will take place. A normal sequence is:

1 Complainant.
2 Civilian (non-employee) witnesses.
3 Other Department employees.
4 Other involved agency employees.
5 The accused employee.

C. Investigators. When more than one investigator is involved in the interview process, roles should be clearly defined and strictly followed. One investigator will be designated as the primary investigator. A second investigator may only provide support and guidance to the primary investigator during the interview.

D. Materials Relevant to Investigation. The Chief of Police may require employees, when deemed necessary, to submit to the following investigative techniques:

1 Submit to a medical or laboratory examination.
2 Be photographed.
3 Participate in a physical line up.
4 Submit financial disclosure statements.
5 Submit to a polygraph examination.

E. Adjudication Disposition. The disposition classifications below will be used in the adjudication report. Each separate allegation will be classified individually.

1 **Unfounded.** The allegation concerned an act by a Department employee which did not occur.

2 **Not Sustained.** The investigation failed to produce a preponderance of evidence to

either prove or disprove the allegation.
3 **Exonerated.** The allegation did, in fact, occur but the actions of the Department employee were legal, justified, proper, and in conformity with Department policies and procedures.
4 **Sustained.** The investigation produced a preponderance of evidence to substantiate the allegation of an act which was determined to constitute misconduct.

F. Investigation Period. Complaints against employees received by the El Paso ISD Police Department shall be thoroughly investigated and completed within the time limits prescribed in the employee rules and regulations handbook.
G. Conclusion of Fact. When an investigation is handled at the Divisional level, the Commander or civilian manager shall provide the employee and the immediate supervisor with a written notification of the final results of the investigation. All original forms will be forwarded to IAD. When an investigation is handled at the Internal Affairs Division, the IAD commander shall provide the written notification of the final results of the investigation.
H. Suspected Criminal Offenses. If, during the course of an administrative investigation, it is suspected that a criminal offense may have occurred; the Chief of Police will be notified. The Chief will determine if the case will be referred to the Special Investigations Group.
2-602.03 POSSIBLE DISCIPLINARY ACTIONS. The following list of actions may be taken by the Department. This list is not complete, but may be used as a guide.

A. Oral reprimand.
B. Written reprimand.
C. Suspension.
D. Demotion in rank or job classification.
E. Termination.
2-602.04 DISCIPLINARY AUTHORITY. The following describes the authority each level of command has in imposing disciplinary actions upon employees. Investigations may be conducted at any level; however, disciplinary action is limited by authority level.

1 Counseling.
2 Written Reprimand.
3 Suspension.
4 Reduction in Grade/Rank.
5 Termination.

D. Category A and B Complaints. **These involve an investigation of those**

allegations that, if true, would result in counseling or a written reprimand. A Preliminary Information Document (PID) will be completed.

1 The employee's immediate supervisor will fully investigate and take appropriate statements to determine whether the complaint is sustained, not-sustained, unfounded or exonerated.

2 If the complaint is sustained, the supervisor will propose the appropriate discipline up to and including a written reprimand.

3 The complaint will be forwarded through the employee's chain of command to the appropriate Supervisor. After review and concurrence, the supervisor will forward the complaint to the investigations unit which will complete the necessary paperwork, and ensure proper distribution and notification.

C. Categories of Discipline.

E. Category C, D, and E Complaints. These are complaints that would, if proven true, result in suspension, demotion in rank or pay grade, or termination of the accused employee. These complaints will be investigated by IAD, however, any supervisor receiving a complaint will undertake appropriate preliminary investigation. These types of complaints are documented on a PID and forwarded through the chain of command. A copy of the PID will be faxed to IAD upon completion.

1. Upon IAD's receipt of a complaint, the accused employee will be contacted and advised of the nature of the allegation(s). The employee will be advised of the appropriate discipline level, should the allegations be sustained. If desired, the employee will be given a reasonable opportunity to seek advice or counsel.

2. If the employee agrees that the allegations are true and that the discipline is appropriate, the case is resolved without conducting a formal administrative investigation.

3. The Department reserves the right to revisit or investigate the original matter should new allegations or evidence surface.

4. These dispositions are made with the understanding the employee will not appeal the agreed upon discipline.

5. Should the employee deny the allegations or not agree upon the appropriate discipline, the case will be investigated by IAD.

After completion of the investigation, the case will be reviewed by the accused employee's supervisor who will make an initial recommendation. The case will be sent through the employee's chain of command to the Chief of Police.

The LT. will review the case and if it is determined to be not sustained, unfounded or exonerated, the case will be sent to IAD for filing and appropriate notification.

Sustained cases will require the LT. to recommend the appropriate level of discipline

and then forward the case to IAD.

IAD will prepare the appropriate pre-disciplinary paperwork for review by the Chief of Police. Once reviewed and approved by the Chief of Police, the employee will receive notification as appropriate.

6. IAD will be responsible for issuing the final disciplinary paperwork and making all the proper notifications.

d) Tables Depicting Police Contact Information

Table 1. General Demographics of Contacts and Searches.

*Race/Ethnicity	Contacts***— Citations or Arrests		Total Searches		Searches with consent	
	N	%	N	%	N	%
Caucasian	685	15	0	0	0	0
African	137	3	0	0	0	0
Hispanic	3452	80	0	0	0	0
Asian	31	1	0	0	0	0
Native American	n/a	n/a	0	0	0	0
Other/Unknown**	6	1	0	0	0	0
Total	4311	100	0	100	0	100

- Above data based on traffic stops only, no searches conducted, primary focus was on safety not drug interdiction.

* Race/Ethnicity is defined by Texas CCP Article 2.132, as being of a "particular descent, including Caucasian, African, Hispanic, Asian, or Native American".

** Other/Unknown include the following:

· Those individuals who refused to indicate their race to the officer and the officer was not able to determine the race.
· Missing or unreadable information.

***Includes resident and non-resident contacts (non-resident being those stopped who do not reside in the City of El Paso)