

CONSTABLE LARRY R. NIX

PRECINCT ONE, PARKER COUNTY, TX

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PURPOSE

The purpose of this policy is to reaffirm the Parker County Constable's Office Precinct One commitment to unbiased law enforcement in all its encounters between a deputy and any person, to reinforce procedures that serve to ensure public confidence and mutual trust through the provision of services in a fair and equitable fashion, and to protect our deputies from unwarranted accusations of misconduct when they act within the dictates of Parker County policy and the law.

POLICY

It is the policy of this department to provide law enforcement service in a pro-active manner and to aggressively investigate suspected violations of the law. Deputies shall actively enforce state and federal laws in a responsible and professional manner, without regard to race, ethnicity or national origin. Deputies are strictly prohibited from engaging in racial profiling as defined by this policy. This policy shall be applicable to all persons, whether drivers, passengers or pedestrians.

Deputies shall conduct themselves in a dignified and respectful manner at all times when dealing with the public. Two of the fundamental rights guaranteed by both the United States and Texas constitutions are equal protection under the law and freedom from unreasonable searches and seizures by government agents. The right of all persons to be treated equally and to be free from unreasonable searches and seizures must be respected. Racial profiling is an unacceptable patrol tactic and will not be condoned.

This policy shall not preclude deputies from offering assistance, such as upon observing a substance leaking from a vehicle, a flat tire, or someone who appears to be ill, lost or confused. Nor does this policy prohibit stopping someone suspected of a crime based upon observed actions and/or information received about a person.

DEFINITIONS

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.

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 or other citizen contacts.

The prohibition against racial profiling does not preclude the use of race, ethnicity or national origin as factors in a detention decision. Race, ethnicity or national origin may be legitimate factors in a detention decision when used as part of an actual description of a specific suspect for whom a deputy is searching. Detaining an individual and conducting an inquiry into that person's activities simply because of that individual's race, ethnicity or national origin is racial profiling. Examples of racial profiling include but are not limited to the following:

1. Citing a driver who is speeding in a stream of traffic where most other drivers are speeding because of the cited driver's race, ethnicity or national origin.
2. Detaining the driver of a vehicle based on the determination that a person of that race, ethnicity or national origin is unlikely to own or possess that specific make or model of vehicle.
3. Detaining an individual based upon the determination that a person of that race, ethnicity or national origin does not belong in a specific part of town or a specific place.

Two principles are inherent in this definition of racial profiling. Deputies may not use racial or ethnic stereotypes as factors in selecting whom to stop and search, while deputies may use race in conjunction with other known factors of the suspect.

Race or Ethnicity – of a particular decent, including Caucasian, African, Hispanic, Asian or Native American.

Pedestrian Stop – An interaction between a peace officer and a pedestrian who is being detained for the purpose of a criminal investigation in which the pedestrian is not under arrest.

Traffic Stop – A motor vehicle stop by a peace officer for an alleged violation of a law or ordinance regulating traffic.

TRAINING

Deputies are responsible to adhere to all Texas Commission on Law Enforcement On Law Enforcement (TCOLE) training requirements as mandated by law.

COMPLAINT INVESTIGATION

1. Complaints will be accepted 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 of this department who receives an allegation of racial profiling, including the deputy who initiated the stop, shall record the person's name, address and telephone number, and forward the complaint through the appropriate channel or direct the individual(s) to an on-duty supervisor. Any employee contacted shall provide direction for submitting a written 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 Constable. When applicable, findings and/or suggestions for disciplinary action, retraining, or changes in policy shall be filed with the Constable.
4. If a racial profiling complaint is sustained against a deputy, it will result in appropriate corrective and/or disciplinary action.
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 deputy made the subject of the complaint, this department shall promptly provide a copy of the recording to that deputy.

PUBLIC EDUCATION

This department will inform the public of its policy against racial profiling and the complaint process. Methods that may be utilized to inform the public are the news media, radio, service or civic presentations, the Internet, as well as governing board meetings. Additionally, information will be made available, as appropriate, in languages other than English.

CITATION DATA COLLECTION & REPORTING

The data required in this section conforms to Code of Criminal Procedure Article 2.132 and Article 2.135.

For all traffic stops where a Citation is issued and for arrests resulting from those stops, the General Complaint Citation form shall have enumerated the following required data regarding the person being stopped. No data item may be omitted.

1. The Race or Ethnicity of the individual detained
2. Whether a search was conducted and, if so, whether the person detained consented to the search; and
3. Whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual

Not later than March 1st of each year beginning in 2014, this department shall submit a report to the Parker County Commissioner's Court and to the Texas Commission on Law Enforcement summarizing the information gathered from the citations from the preceding calendar year. The report will include:

1. a breakdown of vehicle stops indicating
 - a. citation only; or
 - b. both citation and arrest
2. a breakdown of citations by race or ethnicity
3. number of stops where the ethnicity was known prior to the stop
4. number of stops that resulted in a search
5. number of searches that were consensual

REVIEWING VIDEO AND AUDIO DOCUMENTATION

Supervisors shall periodically review the video and audio tapes of their subordinates as a means of monitoring performance with respect to interactions with persons of all ethnicity.