

# CITY COUNCIL STAFF SUMMARY

Meeting Date: February 28, 2022

Agenda item: 8.6

Prepared by: Chief Gene Fox

Reviewed by: Bill Hill

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1. **AGENDA ITEM DESCRIPTION: Accept - Shavano Park Police Department 2021 Racial Profiling Report**

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**Attachments for Reference:** a) CoSP 2021 Racial Profiling Report

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**BACKGROUND / HISTORY:** Texas Occupations Code 1701.164 specifies that the Texas Commission on Law Enforcement (TCOLE) collect incident-based data in accordance with the Code of Criminal Procedure Article 2.131 – 2.138 . Chief administrators of law enforcement agencies that meet the criteria must submit racial profiling reports to their governing body, as well as TCOLE.

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**DISCUSSION:** There are two reporting options available to law enforcement agencies, ‘Exempt’ and ‘Full Reporting’. The Shavano Park Police Department does not qualify for ‘Exempt’ report filing; therefore, submits the ‘Full Reporting’ option:

**Full Reporting** - Agencies that routinely perform traffic stops or motor vehicle stops must file by online report. **The online report requires the completion of agency general public contact information and requires completion of both:**

- An **online form** about the numbers of motor vehicles stops made and
- **uploading a separate PDF comparative analysis document containing a statistical analysis of its motor vehicle stops compared to the gender and ethnic population of the agency's reporting area.** The second document must also contain a statement as to if racial profiling complaints were made against the agency and if so, a listing of all racial profiling complaints and the corresponding resolutions.

Source: <https://www.tcole.texas.gov/content/racial-profiling-reports>

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**CONCLUSION:** Based on a review of the CoSP 2021 Racial Profiling Report, the CoSP demographics along with the number of traffic stops made; the numbers indicated in the report appear to correlate with all the factors mentioned. The findings in this report suggest that the Shavano Park Police Department does not currently experience a problem regarding racial profiling practices.

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**COURSES OF ACTION:** N/A

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**FINANCIAL IMPACT:** N/A

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**MOTION REQUESTED:** Accept the Shavano Park Police Department 2021 Racial Profiling Report

## SHAVANO PARK POLICE DEPARTMENT

In accordance with the Texas Racial Profiling Law, Art. 2.134 CCP, the Shavano Park Police Department has collected police contact data to comply with the law. There are a number of changes regarding the required collection of data as required by Senate Bill No. 1849 (Sandra Bland Act) passed by the 85th Legislature of Texas in May 2017. Senate Bill No. 1849 made sweeping changes to the Code of Criminal Procedure, Occupations Code, Education Code and Government Code. Specific to the required annual racial profiling report the racial profiling laws in the Code of Criminal Procedure, Article 2.131 thru Article 2.134, were modified to enhance the collection of data required for the 2021 Racial Profiling Report.

Data collected for the 2021 Racial Profiling Report includes the number of traffic and pedestrian contacts resulting in a court citation and/or arrest. Additional data is gathered regarding:

1. gender of the person contacted;
2. the initial reason for the contact;
3. whether the officer conducted a search as a result of the contact and, if so, did the person detained consent to the search;
4. whether any contraband or other evidence was discovered;
5. a description of the contraband or evidence;
6. whether an officer made an arrest and include a statement of whether the arrest was based on a violation of the Penal Code, a violation of traffic law or ordinance, or an outstanding warrant as well as a statement of the offense charged;
7. the roadway type or approximate location of the stop;
8. whether the officer issued a verbal or written warning or a citation as a result of the stop; and,
9. whether the officer used physical force that resulted in bodily injury during the stop.

The 2021 Racial Profiling Report is also in compliance with a recent mandate for a comprehensive analysis document containing a statistical analysis of motor vehicle stops compared to the gender and ethnic population of the City of Shavano Park.

Throughout the past year, the police department has worked to ensure that the data collected, via citations, warning citations and arrest reports, was as accurate as possible. The purchase of the electronic ticket writers has been proven to be a valuable tool for the collection of the required data. They are programmed to not allow the completion of a warning or court citation unless all the required information is gathered and made a part of the electronic contact record.

Further compliance is met through the installation of mobile video camera systems in every patrol vehicle. Although not required, body worn cameras are issued to every officer to ensure a video and audio recording of the contact is made of all contacts with pedestrians and drivers who may not be in view of the mobile video recording systems.

As a part of the 2021 Racial Profiling Report package, there is included Shavano Park Police Department Policy 2.2 providing background information on the rationale and objectives of the Texas Racial Profiling Law and a statement prohibiting the practice of racial profiling among its officers and providing for a complaint system should a person contacted feel they were unjustly detained. Also included is Shavano Park Police Department Policy 7.34 requiring the use of video or voice recordings on all traffic and pedestrian stops. A final exhibit is Shavano Park Police Department Policy 2.4 detailing the internal investigation process on how to file a complaint and the investigative process when citizen complaints are received.

The first component of this report (Exhibit 1) provides the required statistical data relevant to the public contacts made during the period of 1/1/2021 and 12/31/2021. Other exhibits compare searches and arrests to the total number of traffic stops conducted over the listed time period and census comparisons to police activities. This data captured in Exhibit 4 has been analyzed and compared to the U.S. Census data (2019) concerning the population demographics of the City of Shavano Park, San Antonio and Bexar County.

It is important to point out there are limitations as to the interpretation and extrapolation of "information" from this data. We feel confident that our analysis is as correct and relevant as any model that could be used to evaluate the data we have collected. The comparative analysis models, both required and devised, are only a few models that could have been used. Again, this points to the limitations of the way these numbers are extrapolated and evaluated, which is a big warning sign on the validity issues surrounding this entire process.

**Assessment of the Data Analysis:** The City of Shavano Park is located in north central Bexar County and is completely surrounded by the City of San Antonio. The areas around Shavano Park include a growing number of shopping areas, commercial development, residential development, and entertainment districts. Also in the surrounding area is Six Flags Fiesta Texas, the South Texas Medical Center, and the U.S. Army's Camp Bullis.

Major thoroughfares in Shavano Park include FM 1535 (NW Military Hwy), De Zavala, and Lockhill-Selma Rd, all of which provide direct access to the City of San Antonio. Additionally, FM 1535 (NW Military Hwy) and Lockhill-Selma intersect with Loop 1604 which spans over 95 miles around San Antonio and Bexar County.

The aforementioned all contribute to a large volume of commuter traffic passing through the City of Shavano Park to areas in San Antonio and Camp Bullis. This large volume of commuter traffic contributes to a high percentage of traffic enforcement and, in some cases, arrests subsequent to traffic enforcement. A high ratio of minority commuters who reside and work in the surrounding areas are also subject to enforcement actions when violations are observed.

The total number of traffic enforcement stops where court citations or warning citations were issued and/or arrests were made was 3,418, significantly higher than the previous year due to the COVID-19 pandemic. This number does not indicate the number of charges but only the number of drivers detained. It is possible to file multiple charges on a person, either by any combination of warning citations, court citations or arrest, during a stop, but only counts as one stop for the purposes of this report.

When compared to the 2019 US Census data for the City of Shavano Park, the documented activities in the Motor Vehicle Racial Profiling Information and the Comprehensive Analysis documents would suggest the Shavano Park Police Department may be enforcing the traffic laws of this city and state more stringently on some percentages of the population. This is an inaccurate assumption. For example, persons of Hispanic origin represent 20.5% of the Shavano Park population but accounted for 24.5% of enforcement actions. This would appear to be contrary to the ethnic ratio for persons of Hispanic origin living in Shavano Park. However, this would appear to be a low ratio when compared to the City of San Antonio US Census data (2019) where persons of Hispanic origin represent 64.2% of the population. Given the large volume of transient commuter traffic who actually reside in the City of San Antonio a comparison of enforcement activities to US Census data for the City of San Antonio and Bexar County is reasonable. Additionally, a significant number of military personnel, who are racially and ethnically diverse, commute daily through Shavano Park to nearby Camp Bullis. See Exhibit 3 for a comparative analysis of the population ratios of Shavano Park, San Antonio, and Bexar County.

### **Summary Statement**

The findings in the 2021 Racial Profiling Report suggest that the Shavano Park Police Department does not currently experience a problem regarding racial profiling practices by its officers.

## **Racial Profiling Report 2021**

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### SHAVANO PARK POLICE DEPARTMENT

Police Contact Data

Annual Report

January 1, 2021 • December 31, 2021

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Exhibit 1: 2021 Racial Profiling Report – TCOLE Submission (02/17/2021)

Exhibit 2: 2021 Comparative Analysis Report – TCOLE Submission (02/17/2021)

Exhibit 3: Census comparisons with San Antonio and Bexar County (2019 US Census Report)

Exhibit 4: 2021 Census comparisons to police activities; includes San Antonio and Bexar County

Exhibit 5: Shavano Park Police Department Policy 2.2, “Bias-Based Policing”

Exhibit 6: Shavano Park Police Department Policy 2.4, “Internal Investigations”

Exhibit 7: Shavano Park Police Department SOP, “Vehicle and Body Video Cameras”

### **(II) Background**

A) Police Department’s Background

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A) Implementation of complaint process addressing allegations of racial profiling practices (includes efforts relevant to the implementation of an educational campaign aimed at informing the public on the complaint process)

B) Report on complaints filed against officers for violating racial profiling policy

C) Training administered to law enforcement personnel

D) Police Department’s partnerships with the local community

E) Checklist / Contact Information

F) The Texas Law on Racial Profiling

G) Departmental Policy on Racial Profiling

H) Department Policy on Mobile Video/Audio Taping

## **II. Background Information**

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### **Police Department Background**

The Shavano Park Police Department (SPPD) is made up of 18 full-time commissioned officers, three (3) reserve officers, and one (1) civilian staff member. The SPPD officers are

committed to performing their jobs in a professional manner while serving the community members and its surrounding areas. This commitment can be found in the SPPD mission statement, vision statement, core values, and goals and reinforced through the issuance of pocket cards to every officer commonly used as a reference during discussions between administrative, supervisory and line personnel.

The department promotes to all its members a philosophy of community-policing practices in order to provide quality service to all residents of the community. The Shavano Park Police Department has adopted a policy, in accordance with Texas law on Racial Profiling, prohibiting racial profiling practices by SPPD officers. This policy was updated in 2017 to meet accreditation standards for the Texas Police Chiefs Association Best Practices Recognition Program.

### **Mission Statement of the Shavano Park Police Department**

The Shavano Park Police Department in partnership with the community provides exemplary law enforcement services to promote a safe environment, protecting life and property, while preserving the peace with honor and courage.

### **Vision Statement of the Shavano Park Police Department**

A recognized law enforcement agency wherein the citizens have full confidence and trust; it is an environment wherein the community fosters a better quality of life by feeling safe and secure; it is an environment wherein the criminal mind is uncomfortable and afraid in carrying out its activities.

### **Core Values of the Shavano Park Police Department**

- Integrity— We are committed to demonstrating honest, ethical behavior while exercising the powers entrusted to us by the public.
- Fairness— We are committed to the equitable treatment of others despite unjust behavior through equality, impartiality, honest communication, and justice.
- Compassion— We are committed to serving everyone in a professional manner with courtesy, concern, and sensitivity.
- Honor— We are committed to fulfilling our duties in a manner that reflects professional and personal pride, with respect to the dignity of the individual, the sanctity of community, and the consideration of fairness to all.
- Excellence— We are committed to providing the highest degree of police services with dedication, commitment, progression, and accountability to the community in which we serve.

### **Goals of the Shavano Park Police Department**

- Effectively conduct Community-Oriented Policing by maintaining positive interaction with the public and a high degree of visibility within the community.
- Proactively educate the public to the community's role and responsibility to aid in the prevention, detection, and resolution of crime.
- Increase safety of citizens and officers by developing and improving internal systems

which assure high quality service to our community while increasing the department's efficiency.

- Recruit, train, and resource a diverse, highly skilled, motivated law enforcement workforce, that promotes a rewarding work environment, investing in the personal and professional development of our employees.

### **III. Responding to the Texas Racial Profiling Law**

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#### **Educational Campaign:**

In accordance to Senate Bill 1074, the Shavano Park Police Department has made significant efforts to launch an educational campaign aimed at informing the public on issues relevant to the complaint process. Special emphasis has been placed on informing community members on how to file a complaint relevant to racial profiling practices.

The Chief of Police has posted a public statement on the City's web page to inform the public on efforts being made by the police department to continue banning racial profiling practices among its officers. Additionally, the department's complaint system is published on the Police Department home page on the City's web page.

#### **Filing a Complaint Based on Violations of the Texas Law on Racial Profiling**

A pamphlet has been designed, printed, and distributed that fully explains the Internal Affairs/Complaint system of the department. The following information is extrapolated from the pamphlet, the complaint form, and the procedure for investigation complaints received:

#### **UNDERSTANDING THE PROCESS**

Once an individual has filed a complaint regarding racial profiling, he/she should expect the following process to commence:

#### **THE INTERVIEW**

A police supervisor (rank of Corporal or higher) may interview the individual filing the complaint with the intention of gathering information pertaining to the incident. Through this process it may be possible that the supervisor is able to explain the officer's actions to the complainant's satisfaction.

If the supervisor is not able to satisfactorily answer the citizen's complaint, the supervisor will assist them in filing a formal complaint, if they wish. If the citizen does not wish to be assisted by the supervisor, they will be given a formal complaint pamphlet and given instructions on completing it.

#### **THE INVESTIGATION**

After a formal complaint is filed, the Shavano Park Police Department will investigate the alleged misconduct. The Chief of Police will assign an investigator experienced in internal

investigation procedures who will talk to the complainant, any witnesses, and will visit the site of the incident.

- The Chief of Police receives all formal complaints, reviews them, logs them into the IA log and assigns the investigation to an investigator.
- The complainant will receive a letter from the Chief of Police, regarding the progress of the investigation.
- Although it is impossible to estimate how long the investigation will take, the complainant is advised they can expect a report as to the outcome of the investigation in about two weeks.
- All officers having knowledge of the incident will be interviewed as well as any identified witnesses.
- A report will then be prepared with conclusions and recommendations.
- The Chief of Police will review the report of investigation to determine if any rule, policy, or regulation has been violated. If it is determined that a violation has occurred it will be decision of the Chief of Police as to the discipline that will be administered.

## **THE FINDINGS**

The results of a complaint are called “findings.” There are four (4) possible findings:

- **Sustained** – The complaint has been supported: The officer(s) involved acted improperly and may be disciplined.
- **Unfounded** – The investigation found no basis to the complaint filed.
- **Exonerated** – The police officer(s) involved acted properly and will not be disciplined; or
- **Not sustained** – There was insufficient evidence to prove the complaint true or false and no further action will be taken.

The Chief of Police will decide on a finding after the complaint has been reviewed and will inform the complainant through an official letter of the final decision.

## **A COMMITMENT TO RESPOND TO THE NEEDS OF THE COMMUNITY**

The Shavano Park Police Department has made a commitment to its citizens regarding the following:

1. The department shall accept complaints 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 who receives an allegation of racial profiling, including the officer who initiated the stop, shall direct the complainant to a supervisor or offer to provide them with a formal complaint packet. Any employee contacted shall provide to any person a copy of a complaint form or the department process for filing a 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 chief. When applicable, findings and/or suggestions for disciplinary action, retraining, or changes in policy shall be filed with the chief.
4. If a racial profiling complaint is sustained against an officer, it will result in appropriate corrective and/or disciplinary action, up to and including indefinite suspension (termination).
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 officer made the subject of the complaint, this department shall promptly provide a copy of the recording to that officer.

### **Corrective Action**

It is the policy of the Shavano Park Police Department that any officer who, after an internal investigation, has been found guilty of engaging in racial profiling, that one of the following series of disciplinary measures is taken (as per the recommendation of the Chief of Police):

1. Officer is retrained in racial sensitivity issues
2. Officer is suspended and as a condition of further involvement with the police department is required to undergo racial sensitivity training
3. Officer is indefinitely suspended (terminated)

## Data on Corrective Action

**There were no public complaints made alleging racial profiling by any member of the Shavano Park Police Department during the 2021 reporting period. There were no internal reports made to the Chief of Police by members of the Shavano Park Police Department alleging racial profiling by another member of the Shavano Park Police Department during the 2021 reporting period.**

## Training

In compliance with the Texas Racial Profiling Law, the Shavano Park Police Department required that all its officers adhere to all Texas Commission on Law Enforcement Officers (TCOLE) training and the Law Enforcement Management Institute of Texas (LEMIT) requirements as mandated by law.

All officers from the Shavano Park Police Department have completed a TCOLE training and education program on racial profiling, as required by law, by 08/31/02 or will have completed the required training not later than the second anniversary of the date the officer is licensed under Chapter 1701 of the Texas Occupations Code, or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier. A person who on September 1, 2001, held a TCOLE intermediate proficiency certificate, or who had held a peace officer license issued by TCOLE for at least two years, will have completed a TCOLE training and education program on racial profiling not later than September 1, 2003. **The department has met all training requirements mandated by law.**

The Chief of Police, as part of the initial training and continued education for such appointment, attended the Law Enforcement Management Institute of Texas program on racial profiling. This fulfills the training requirement as specified in the Education Code (96.641) of the Texas Racial Profiling training law.

## Checklist

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**The following requirements must be met by all law enforcement agencies in the State of Texas:**

- Clearly defined act of actions that constitute racial profiling
- Statement indicating prohibition of any peace officer employed by the Shavano Park Police Department from engaging in racial profiling
- Implement a process by which an individual may file a complaint regarding racial profiling violations; Provide public education related to the complaint process
- Adopt a policy on standards for reviewing video and audio documentation of traffic stops.
- Implement disciplinary guidelines for officers found in violation of the Texas Racial Profiling Law

- Collect required data in compliance with Senate Bill No. 1849 (Sandra Bland Act) and the Texas Code of Criminal Procedure
- Produce an annual report on police contacts by March 1, 2021. As a part of this requirement the annual report is presented to the governing body of Shavano Park and a required data report is provided to the Texas Commission on Law Enforcement (TCOLE) before March 1, 2022.
- The required data report was submitted to TCOLE and accepted on February 17, 2021.
- The required annual report was included as a consent agenda item presented to the Shavano Park City Council at a regularly scheduled City Council meeting on February 28, 2022.

**The Shavano Park Police Department has complied with all requirements of the Texas Racial Profiling Law.**

# Racial Profiling Report | Full

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Agency Name: SHAVANO PARK POLICE DEPT.  
Reporting Date: 02/17/2022  
TCOLE Agency Number: 029220

Chief Administrator: GENE E. FOX

Agency Contact Information:  
Phone: (210) 492-9248  
Email: gfox@shavanopark.org

Mailing Address:  
900 SADDLETREE CT  
SHAVANO PARK, TX 78231-1523

This Agency filed a full report

SHAVANO PARK POLICE DEPT has adopted a detailed written policy on racial profiling. Our policy:

- 1) clearly defines acts constituting racial profiling;
- 2) strictly prohibits peace officers employed by the SHAVANO PARK POLICE DEPT from engaging in racial profiling;
- 3) implements a process by which an individual may file a complaint with the SHAVANO PARK POLICE DEPT, if the individual believes that a peace officer employed by the SHAVANO PARK POLICE DEPT has engaged in racial profiling with respect to the individual;
- 4) provides public education relating to the agency's complaint process;
- 5) requires appropriate corrective action to be taken against a peace officer employed by the SHAVANO PARK POLICE DEPT, who, after an investigation, is shown to have engaged in racial profiling in violation of the SHAVANO PARK POLICE DEPT policy;
- 6) requires collection of information relating to motor vehicle stops in which a warning or citation is issued and to arrests made as a result of those stops, including information relating to:
  - a. the race or ethnicity of the individual detained;
  - b. whether a search was conducted and, if so, whether the individual detained consented to the search;
  - c. whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual;
  - d. whether the peace officer used physical force that resulted in bodily injury during the stop;
  - e. the location of the stop;
  - f. the reason for the stop.
- 7) requires the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:
  - a. the Commission on Law Enforcement; and
  - b. the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

The SHAVANO PARK POLICE DEPT has satisfied the statutory data audit requirements as prescribed in Article

2.133(c), Code of Criminal Procedure during the reporting period.

Executed by: DENNIS P. KELLEY  
POLICE CAPTAIN

Date: 02/17/2022

# Total stops: 3418

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## Street address or approximate location of the stop

City street	2884
US highway	3
County road	494
State highway	15
Private property or other	22

## Was race or ethnicity known prior to stop?

Yes	3
No	3415

## Race / Ethnicity

Alaska Native / American Indian	38
Asian / Pacific Islander	75
Black	416
White	2052
Hispanic / Latino	837

## Gender

<b>Female</b>	<b>1479</b>
Alaska Native / American Indian	5
Asian / Pacific Islander	28
Black	160
White	910
Hispanic / Latino	376
<b>Male</b>	<b>1939</b>
Alaska Native / American Indian	33
Asian / Pacific Islander	47
Black	256
White	461
Hispanic / Latino	1142

## Reason for stop?

<b>Violation of law</b>	<b>38</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	4
White	26

Hispanic / Latino	8
<b>Preexisting knowledge</b>	<b>3</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	1
Hispanic / Latino	2
<b>Moving traffic violation</b>	<b>2994</b>
Alaska Native / American Indian	37
Asian / Pacific Islander	69
Black	371
White	1797
Hispanic / Latino	720
<b>Vehicle traffic violation</b>	<b>383</b>
Alaska Native / American Indian	1
Asian / Pacific Islander	6
Black	41
White	107
Hispanic / Latino	228
<b>Was a search conducted?</b>	
<b>Yes</b>	<b>23</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	1
Black	7
White	8
Hispanic / Latino	7
<b>No</b>	<b>3395</b>
Alaska Native / American Indian	38
Asian / Pacific Islander	74
Black	409
White	2044
Hispanic / Latino	830
<b>Reason for Search?</b>	
<b>Consent</b>	<b>5</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	5

Hispanic / Latino	0		
<b>Contraband</b>	<b>1</b>		
Alaska Native / American Indian	0		
Asian / Pacific Islander	0		
Black	0		
White	0		
Hispanic / Latino	1		
<b>Probable</b>	<b>12</b>		
Alaska Native / American Indian	0		
Asian / Pacific Islander	1		
Black	5		
White	2		
Hispanic / Latino	4		
<b>Inventory</b>	<b>0</b>		
Alaska Native / American Indian	0		
Asian / Pacific Islander	0		
Black	0		
White	0		
Hispanic / Latino	0		
<b>Incident to arrest</b>	<b>5</b>		
Alaska Native / American Indian	0		
Asian / Pacific Islander	0		
Black	2		
White	1		
Hispanic / Latino	2		
<b>Was Contraband discovered?</b>			
<b>Yes</b>	<b>15</b>	<b>Did the finding result in arrest?</b>	
		(total should equal previous column)	
Alaska Native / American Indian	0	Yes 0	No 0
Asian / Pacific Islander	0	Yes 0	No 0
Black	3	Yes 3	No 0
White	6	Yes 6	No 0
Hispanic / Latino	6	Yes 6	No 0
<b>No</b>	<b>8</b>		
Alaska Native / American Indian	0		
Asian / Pacific Islander	1		
Black	4		
White	2		
Hispanic / Latino	1		



<b>Description of contraband</b>	
<b>Drugs</b>	<b>12</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	2
White	5
Hispanic / Latino	5
<b>Weapons</b>	<b>1</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	1
Hispanic / Latino	0
<b>Currency</b>	<b>0</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
<b>Alcohol</b>	<b>0</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
<b>Stolen property</b>	<b>0</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
<b>Other</b>	<b>3</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	1
White	1
Hispanic / Latino	1
<b>Result of the stop</b>	
Verbal warning	<b>16</b>

Alaska Native / American Indian	1
Asian / Pacific Islander	0
Black	2
White	7
Hispanic / Latino	6
<b>Written warning</b>	<b>2035</b>
Alaska Native / American Indian	23
Asian / Pacific Islander	44
Black	243
White	1214
Hispanic / Latino	511
<b>Citation</b>	<b>1360</b>
Alaska Native / American Indian	15
Asian / Pacific Islander	30
Black	169
White	830
Hispanic / Latino	316
<b>Written warning and arrest</b>	<b>0</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
<b>Citation and arrest</b>	<b>5</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	2
White	1
Hispanic / Latino	2
<b>Arrest</b>	<b>2</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	2
<b>Arrest based on</b>	
<b>Violation of Penal Code</b>	<b>5</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0

Black	1
White	0
Hispanic / Latino	4
<b>Violation of Traffic Law</b>	<b>1</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	1
White	0
Hispanic / Latino	0
<b>Violation of City Ordinance</b>	<b>0</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
<b>Outstanding Warrant</b>	<b>1</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	1
Hispanic / Latino	0

**Was physical force resulting in bodily injury used during stop?**

<b>Yes</b>	<b>0</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
<b>Resulting in Bodily Injury To:</b>	
Suspect	0
Officer	0
Both	0
<b>No</b>	<b>3418</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	2052
Black	75
White	837
Hispanic / Latino	38

**Number of complaints of racial profiling**

Total	0
Resulted in disciplinary action	0
Did not result in disciplinary action	0

**Comparative Analysis**

Use TCOLE's auto generated analysis	<input type="checkbox"/>
Use Department's submitted analysis	<input checked="" type="checkbox"/>

**Optional Narrative**

N/A

Submitted electronically to the



The Texas Commission on Law Enforcement

## SHAVANO PARK POLICE DEPARTMENT

<b>01. Total Traffic Stops</b>		3,418	
<b>02. Location of Stop</b>			
a.	City Street	2884	84.38%
b.	US Highway	3	0.09%
c.	County Road	15	0.44%
d.	State Highway	494	14.45%
e.	Private Property or Other	22	0.64%
<b>03. Was Race known prior to Stop</b>			
a.	NO	3415	99.91%
b.	YES	3	0.09%
<b>04. Race or Ethnicity</b>			
a.	Alaska/ Native American/ Indian	38	1.11%
b.	Asian/ Pacific Islander	75	2.19%
c.	Black	416	12.17%
d.	White	2,052	60.04%
e.	Hispanic/ Latino	837	24.49%
<b>05. Gender:</b>			
a.	Female	1,479	43.27%
	i. Alaska/ Native American/ Indian		5 0.34%
	ii. Asian/ Pacific Islander		28 1.89%
	iii. Black		160 10.82%
	iv. White		910 61.53%
	v. Hispanic/ Latino		376 25.42%
b.	Male	1,939	56.73%
	i. Alaska/ Native American/ Indian		33 1.70%
	ii. Asian/ Pacific Islander		47 2.42%
	iii. Black		256 13.20%
	iv. White		461 23.78%
	v. Hispanic/ Latino		1,142 58.90%

**06. Reason for Stop:**

a.	Violation of Law	38	1.11%	
	i. Alaska/ Native American/ Indian		0	0.00%
	ii. Asian/ Pacific Islander		0	0.00%
	iii. Black		4	10.53%
	iv. White		26	68.42%
	v. Hispanic/ Latino		8	21.05%
b.	Pre-Existing Knowledge	3	0.09%	
	i. Alaska/ Native American/ Indian		0	0.00%
	ii. Asian/ Pacific Islander		0	0.00%
	iii. Black		0	0.00%
	iv. White		1	33.33%
	v. Hispanic/ Latino		2	66.67%
c.	Moving Traffic Violation	2,994	87.60%	
	i. Alaska/ Native American/ Indian		37	1.24%
	ii. Asian/ Pacific Islander		69	2.30%
	iii. Black		371	12.39%
	iv. White		1,797	60.02%
	v. Hispanic/ Latino		720	24.05%
d.	Vehicle Traffic Violation	383	11.21%	
	i. Alaska/ Native American/ Indian		1	0.26%
	ii. Asian/ Pacific Islander		6	1.57%
	iii. Black		41	10.70%
	iv. White		107	27.94%
	v. Hispanic/ Latino		228	59.53%

**07. Was a Search Conducted**

a.	NO	3,395	99.33%	
	i. Alaska/ Native American/ Indian		38	1.12%
	ii. Asian/ Pacific Islander		74	2.18%
	iii. Black		409	12.05%
	iv. White		2,044	60.21%
	v. Hispanic/ Latino		830	24.45%
b.	YES	23	0.67%	
	i. Alaska/ Native American/ Indian		0	0.00%
	ii. Asian/ Pacific Islander		1	4.35%
	iii. Black		7	30.43%
	iv. White		8	34.78%
	v. Hispanic/ Latino		7	30.43%

**08. Reason for Search**

a.	Consent	5	0.15%	
	i. Alaska/ Native American/ Indian		0	0.00%
	ii. Asian/ Pacific Islander		0	0.00%
	iii. Black		0	0.00%
	iv. White		5	100.00%
	v. Hispanic/ Latino		0	0.00%
b.	Contraband in Plain View	1	0.03%	
	i. Alaska/ Native American/ Indian		0	0.00%
	ii. Asian/ Pacific Islander		0	0.00%
	iii. Black		0	0.00%
	iv. White		0	0.00%
	v. Hispanic/ Latino		1	100.00%
c.	Probable Cause	12	0.35%	
	i. Alaska/ Native American/ Indian		0	0.00%
	ii. Asian/ Pacific Islander		1	8.33%
	iii. Black		5	41.67%
	iv. White		2	16.67%
	v. Hispanic/ Latino		4	33.33%
d.	Inventory	0	0.00%	
	i. Alaska/ Native American/ Indian		0	0.00%
	ii. Asian/ Pacific Islander		0	0.00%
	iii. Black		0	0.00%
	iv. White		0	0.00%
	v. Hispanic/ Latino		0	0.00%
e.	Incident to Arrest	5	0.15%	
	i. Alaska/ Native American/ Indian		0	0.00%
	ii. Asian/ Pacific Islander		0	0.00%
	iii. Black		2	40.00%
	iv. White		1	20.00%
	v. Hispanic/ Latino		2	40.00%

**09. Was Contraband Discovered**

a.	YES	15	0.44%
	i. Alaska/ Native American/ Indian		
	Finding resulted in arrest - YES	0	0.00%
	Finding resulted in arrest - NO	0	
	ii. Asian/ Pacific Islander		
	Finding resulted in arrest - YES	0	0.00%
	Finding resulted in arrest - NO	0	
	iii. Black		
	Finding resulted in arrest - YES	3	20.00%
	Finding resulted in arrest - NO	0	
	iv. White		
	Finding resulted in arrest - YES	6	40.00%
	Finding resulted in arrest - NO	0	
	v. Hispanic/ Latino		
	Finding resulted in arrest - YES	6	40.00%
	Finding resulted in arrest - NO	0	
b.	NO	8	0.23%
	i. Alaska/ Native American/ Indian		
	ii. Asian/ Pacific Islander		
	iii. Black		
	iv. White		
	v. Hispanic/ Latino		



**10. Description of Contraband**

a.	Drugs	12	0.35%	
	i. Alaska/ Native American/ Indian		0	0.00%
	ii. Asian/ Pacific Islander		0	0.00%
	iii. Black		2	16.67%
	iv. White		5	41.67%
	v. Hispanic/ Latino		5	41.67%
b.	Currency	0	0.00%	
	i. Alaska/ Native American/ Indian		0	0.00%
	ii. Asian/ Pacific Islander		0	0.00%
	iii. Black		0	0.00%
	iv. White		0	0.00%
	v. Hispanic/ Latino		0	0.00%
c.	Weapons	1	0.03%	
	i. Alaska/ Native American/ Indian		0	0.00%
	ii. Asian/ Pacific Islander		0	0.00%
	iii. Black		0	0.00%
	iv. White		1	100.00%
	v. Hispanic/ Latino		0	0.00%
d.	Alcohol	0	0.00%	
	i. Alaska/ Native American/ Indian		0	0.00%
	ii. Asian/ Pacific Islander		0	0.00%
	iii. Black		0	0.00%
	iv. White		0	0.00%
	v. Hispanic/ Latino		0	0.00%
e.	Stolen Property	0	0.00%	
	i. Alaska/ Native American/ Indian		0	0.00%
	ii. Asian/ Pacific Islander		0	0.00%
	iii. Black		0	0.00%
	iv. White		0	0.00%
	v. Hispanic/ Latino		0	0.00%
f.	Other	3	0.09%	
	i. Alaska/ Native American/ Indian		0	0.00%
	ii. Asian/ Pacific Islander		0	0.00%
	iii. Black		1	33.33%
	iv. White		1	33.33%
	v. Hispanic/ Latino		1	33.33%

**11. Result of Stop**

a.	Verbal Warning	16	0.47%	
	i. Alaska/ Native American/ Indian		1	6.25%
	ii. Asian/ Pacific Islander		0	0.00%
	iii. Black		2	12.50%
	iv. White		7	43.75%
	v. Hispanic/ Latino		6	37.50%
b.	Written Warning	2,035	59.54%	
	i. Alaska/ Native American/ Indian		23	0.00%
	ii. Asian/ Pacific Islander		44	0.00%
	iii. Black		243	0.00%
	iv. White		1214	0.00%
	v. Hispanic/ Latino		511	0.00%
c.	Citation	1,360	39.79%	
	i. Alaska/ Native American/ Indian		15	1.10%
	ii. Asian/ Pacific Islander		30	2.21%
	iii. Black		169	12.43%
	iv. White		830	61.03%
	v. Hispanic/ Latino		316	23.24%
d.	Written Warning and Arrest	0	0.00%	
	i. Alaska/ Native American/ Indian		0	0.00%
	ii. Asian/ Pacific Islander		0	0.00%
	iii. Black		0	0.00%
	iv. White		0	0.00%
	v. Hispanic/ Latino		0	0.00%
e.	Citation and Arrest	5	0.15%	
	i. Alaska/ Native American/ Indian		0	0.00%
	ii. Asian/ Pacific Islander		0	0.00%
	iii. Black		2	40.00%
	iv. White		1	20.00%
	v. Hispanic/ Latino		2	40.00%
f.	Arrest	2	0.06%	
	i. Alaska/ Native American/ Indian		0	0.00%
	ii. Asian/ Pacific Islander		0	0.00%
	iii. Black		0	0.00%
	iv. White		0	0.00%
	v. Hispanic/ Latino		2	100.00%

**12. Arrest Based On**

a.	Violation of Penal Code	5	0.15%	
	i. Alaska/ Native American/ Indian		0	0.00%
	ii. Asian/ Pacific Islander		0	0.00%
	iii. Black		1	20.00%
	iv. White		0	0.00%
	v. Hispanic/ Latino		4	80.00%
b.	Violation of Traffic Law	1	0.03%	
	i. Alaska/ Native American/ Indian		0	0.00%
	ii. Asian/ Pacific Islander		0	0.00%
	iii. Black		1	100.00%
	iv. White		0	0.00%
	v. Hispanic/ Latino		0	0.00%
c.	Violation of City Ordinance	0	0.00%	
	i. Alaska/ Native American/ Indian		0	0.00%
	ii. Asian/ Pacific Islander		0	0.00%
	iii. Black		0	0.00%
	iv. White		0	0.00%
	v. Hispanic/ Latino		0	0.00%
d.	Outstanding Warrant	1	0.03%	
	i. Alaska/ Native American/ Indian		0	0.00%
	ii. Asian/ Pacific Islander		0	0.00%
	iii. Black		0	0.00%
	iv. White		1	100.00%
	v. Hispanic/ Latino		0	0.00%

**13. Was Physical Force Used**

a.	NO	3,418	100.00%	
	i. Alaska/ Native American/ Indian		38	1.11%
	ii. Asian/ Pacific Islander		75	2.19%
	iii. Black		416	12.17%
	iv. White		2,052	60.04%
	v. Hispanic/ Latino		837	24.49%
b.	YES	0	0.00%	
	i. Alaska/ Native American/ Indian		0	0.00%
	ii. Asian/ Pacific Islander		0	0.00%
	iii. Black		0	0.00%
	iv. White		0	0.00%
	v. Hispanic/ Latino		0	0.00%
13 b 1.	YES: Physical Force Resulting in Bodily Injury to Suspect		0	0.00%
13 b 2.	YES: Physical Force Resulting in Bodily Injury to Officer		0	0.00%
13 b 3.	YES: Physical Force Resulting in Bodily Injury to Both		0	0.00%

**14. Total Number of Racial Profiling Complaints Received**

0

REPORT DATE COMPILED

February 17, 2021

**SHAVANO PARK POLICE DEPARTMENT  
2021 Racial Profiling Report/Audit  
Exhibit #3**

**Census Comparisons (2019 Census Report)**

<b>Race/Ethnicity</b>	<b>Shavano Park</b>	<b>San Antonio</b>	<b>Bexar County</b>
2019 Census Population	3,979	1,547,253	2,003,554
White	68.9%	24.7%	27.1%
Black	1.4%	7.0%	8.6%
Hispanic	20.5%	64.2%	60.7%
Asian	6.0%	2.9%	3.5%
Native American/Alaskan	0.1%	0.8%	1.2%

NOTE: Columns may not equal 100% due to persons claiming multiple races not counted for the purposes of this report.

\*does not include Hispanic or Latino

\*\* includes Native Hawaiian and other Pacific Islander

Source: 2019 U.S. Census website  
City-Data website (2019 data)


**SHAVANO PARK POLICE DEPARTMENT  
2021 Racial Profiling Report/Audit  
Exhibit #4**

**Census Comparisons to Police Activities  
Period: 01/01/2021 – 12/31/2021**

2021 SPPD Contact & Arrest			2019 Census Data					
			Shavano Park 3,979		San Antonio 1,547,253		Bexar County 2,003,554	
	#	%	%	+ or (-)	%	+ or (-)	%	+ or (-)
Black	416	12.2%	1.4	11.8%	7.0	5.2%	8.6	3.6%
Asian	75	2.2%	6.0	(-) 3.8%	2.9	(-) 0.7%	3.5	(-) 1.3%
White	2,052	60.0%	68.9	(-) 8.9%	24.7	35.3%	27.1	32.9%
Native American	38	1.1%	0.1	1.0%	0.8	0.3%	1.2	(-) 0.1%
Hispanic	837	24.5%	20.5	4.0%	64.2	(-) 39.7%	60.7	(-) 36.2%

Total Contacts 3,418

## Exhibit #5

	<b>SHAVANO PARK POLICE DEPARTMENT</b>	
	<b>Policy 2.2 Bias Based Policing</b>	
	<b>Effective Date: January 5, 2022</b>	<b>Replaces: 11/03/2017</b>
	<b>Approved:</b>	<u>Gene Fox</u> Chief of Police
	<b>Reference: TBP 2.01</b>	

### I. POLICY

We are committed to a 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 shall exercise our sworn duties, responsibilities, and obligations in a manner that does not discriminate on the basis of 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 shall 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 shall 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 shall not stop, detain, arrest, search, or attempt to search anyone based solely upon the person's race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group.

All departmental 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 inform officers that bias-based policing is prohibited by the department. Additionally, this order will assist officers in identifying key contexts in which bias may influence these actions, and emphasize the importance of the constitutional guidelines within which we operate.

### III. DEFINITIONS

Most of the following terms appear in this order. 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 on-going discussion and analysis of our enforcement practices.

- A. Bias: Prejudice or partiality which may be based on preconceived ideas, a person's upbringing, culture, experience, or education.
- B. Biased-based policing: Stopping, detaining, searching, or attempting to search, or using force against a person based upon his or her race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group.
- C. Ethnicity: A cluster of characteristics which may include race but also cultural characteristics or traits which are shared by a group with a common experience or history.
- D. Gender: Unlike sex, a psychological classification based on cultural characteristics or traits.
- E. Motor vehicle: A vehicle that is self-propelled.
- F. Motor vehicle stop: An occasion in which a peace officer stops a motor vehicle for an alleged violation of a law or ordinance.
- G. Probable cause: Specific facts and circumstances within an officer's knowledge that would lead a reasonable officer to believe that a specific offense has been or is being committed, and that the suspect has committed it. Probable cause will be determined by the courts reviewing the totality of the circumstances surrounding the arrest or search from an objective point of view.
- H. Race: A category of people of a particular decent, including White, Black, Hispanic or Latino, Asian or Pacific Islander, or Alaskan or American Indian descent. As distinct from ethnicity, race only refers to physical characteristics sufficiently distinctive to group 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: Specific facts and circumstances that would lead a reasonable officer to believe criminal activity is afoot and the person to be detained is somehow involved. Reasonable suspicion will be determined by the courts reviewing the totality of the circumstances surrounding the detention from an objective point of view.
- K. Sex: A biological classification, male or female, based on physical and genetic characteristics.
- L. Stop: An investigative detention of a person for a brief period of time, based on reasonable suspicion.

## 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, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group. 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, motor vehicle 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, motor vehicle stops, subject stops, arrests, nonconsensual searches, and property seizures. Except as provided in number 3 below, officers shall not consider race/ethnicity in establishing either reasonable suspicion or probable cause. Similarly, except as provided below, officers shall not consider race/ethnicity in deciding to initiate even those nonconsensual encounters that do not amount to legal detentions or to request consent to search.
3. Officers may take into account the reported race or ethnicity of a specific suspect or suspects based on trustworthy, locally relevant information that links a person or persons of a specific race/ethnicity to a particular unlawful incident(s). Race/ethnicity can never be used as the sole basis for probable cause or reasonable suspicion. Except as provided above, reasonable suspicion or probable cause shall form the basis for any enforcement actions or decisions. Individuals shall 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 shall document the elements of reasonable suspicion and probable cause in appropriate reports.
4. Officers shall observe all constitutional safeguards and shall respect the constitutional rights of all persons.
  - a. As motor vehicle stops furnish a primary source of bias-related complaints, officers shall have a firm understanding of the warrantless searches allowed by law, particularly the use of consent. How the officer disengages from a motor vehicle stop may be crucial to a person's perception of fairness or discrimination.
  - b. Officers shall not use the refusal or lack of cooperation to justify a search of the person or vehicle or a prolonged detention once reasonable suspicion has been dispelled.



5. All personnel shall treat everyone with the same courtesy and respect that they would have others observe to department personnel. To this end, personnel are reminded that the exercise of courtesy and respect engenders a future willingness to cooperate with law enforcement.
  - a. Personnel shall facilitate an individual's access to other governmental services whenever possible, and shall actively provide referrals to other appropriate agencies.
  - b. All personnel shall courteously accept, document, and forward to the Chief of Police any complaints made by an individual against the department. Furthermore, officers shall provide information on the complaint process and shall give copies of "Citizen Complaint Procedures" when requested or when appropriate.
6. When feasible, personnel shall offer explanations of the reasons for enforcement actions or other decisions that bear on the individual's well-being unless the explanation would undermine an investigation or jeopardize an officer's safety. When concluding an encounter, personnel shall thank him or her for cooperating.
7. When feasible, all personnel shall identify themselves by name. When a person requests the information, personnel shall give their departmental identification number, name of the immediate supervisor, or any other reasonable information.
8. All personnel are accountable for their actions. Personnel shall justify their actions when required.

#### B. Supervisory Responsibilities

1. Supervisors shall be held accountable for the observance of constitutional safeguards during the performance of their duties and those of their subordinates. Supervisors shall identify and correct instances of bias in the work of their subordinates.
2. Supervisors shall use the disciplinary mechanisms of the department to ensure compliance with this order and the constitutional requirements of law enforcement.
3. Supervisors shall be mindful that in accounting for the actions and performance of subordinates, supervisors are critical to maintaining community trust in law enforcement. Supervisors shall continually reinforce the ethic of impartial enforcement of the laws, and shall ensure that personnel, 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 increases safety risks to personnel as

well as exposing the employee(s) and department to liability.

5. Supervisors shall conduct a quarterly analysis of motor vehicle stops conducted by members of their shift. The analysis will evaluate motor vehicle stop data to determine if any member is engaging in racial profiling or bias-based policing practices. If racial profiling or bias-based policing is suspected, the supervisor shall immediately forward supporting documentation to the Chief of Police through his or her chain-of-command.
6. Supervisors shall be held accountable for repeated instances of biased enforcement of their subordinates if the supervisor knew, or should have known, of the subordinate's actions.
7. Supervisors shall ensure that all enforcement actions are duly documented per departmental policy. Supervisors shall ensure that all reports show adequate documentation of reasonable suspicion and probable cause, if applicable. Any enforcement action that begins as a consensual encounter will also have the circumstances of the initial encounter documented.
8. Supervisors shall facilitate the filing of any complaints about law-enforcement service.
9. Supervisors will randomly review at least three video recordings 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 of time. 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 "BWC/In-Car Video Supervisory Review Log" form and any violations of policy or law will be addressed through the use of existing internal affairs policy. (TBP: 2.01)
10. Section 8 above applies only to first-line uniformed officers and their immediate supervisors. In the absence of a first-line supervisor this responsibility will move to the Patrol Captain.

### C. Disciplinary Consequences

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

D. Training (TBP: 2.01)

1. Sworn officers shall complete all training required by state law regarding bias-based profiling.
2. All personnel will review and acknowledge racial profiling and bias-based policing policies every year.

**V. COMPLIMENTS AND COMPLAINTS**


- A. The department shall publish citizen compliment and complaint procedure pamphlets and make them available at the municipal complex and on the City website. The department shall also publish its bias-based profiling policy on the website.
- B. Any individual who is issued a ticket, citation, or warning as a result of a motor vehicle stop shall be provided with the compliment and complaint process, including providing the telephone number, mailing address, e-mail address, and city website URL to make a compliment or complaint with respect to each ticket, citation, or warning issued.
- C. The department shall accept complaints 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.
- D. Any employee who receives an allegation of racial profiling, including the officer who initiated the stop, shall direct the complainant to a supervisor or offer to provide them with a formal complaint packet. Any employee contacted shall provide to any person a copy of a complaint form or the department process for filing a complaint. All employees will immediately report any allegation of racial profiling to their superior.
- E. Investigation of a complaint, in accordance with Policy 2.4 (Internal Investigations), shall be conducted thoroughly and in a timely manner. All complaints will be acknowledged in writing to the complainant, who will receive disposition regarding said complaint within a reasonable amount of time. The investigation shall be reduced to writing and any reviewer's comments or conclusions shall be filed with the Chief of Police. When applicable, findings and/or suggestions for disciplinary action, re-training, or changes in policy shall be submitted to the Chief of Police.
- F. If a racial profiling complaint is sustained against an officer, it will result in appropriate corrective and/or disciplinary action, up to and including termination. One of the following series of disciplinary measures is taken:
  1. Officer is retrained in racial sensitivity issues
  2. Officer is suspended and as a condition of further involvement with the Police Department is required to undergo racial sensitivity training

3. Officer is otherwise disciplined or terminated in accordance to Department and/or City policies and procedures
- G. If there is a departmental video or audio recording of the events upon which a complaint of racial profiling is based, upon commencement of the investigation into the complaint and written request of the officer made subject of the complaint, the Department shall promptly provide a copy of the recording to that officer.

## **VI. RECORD KEEPING**

- A. The department will maintain all required records on motor vehicle stops when a ticket, citation, or warning is issued, or where an arrest is made subsequent to a motor vehicle stop.
- B. The information collected above will be reported to the city council annually in compliance with the Texas Racial Profiling Law.
- C. The information will also be reported to Texas Commission on Law Enforcement in the required format.

## Exhibit #6

	<b>SHAVANO PARK POLICE DEPARTMENT</b>	
	<b>Policy 2.4 Internal Investigations</b>	
	<b>Effective Date: January 19, 2022</b>	<b>Replaces: 05/18/2017</b>
	<b>Approved:</b>	Gene Fox Chief of Police
	<b>Reference:</b> TBP 2.04, 2.05, 2.06, 2.07, 2.08, 2.09, 2.10 and 2.14	

### I. POLICY

The image of the Shavano Park Police Department depends on the personal and professional integrity, training, and discipline of all agency employees. Public confidence and trust is determined by the quality of the internal investigative response to allegations of misconduct by the agency or its employees. The Department must competently and professionally investigate all allegations of misfeasance, malfeasance, nonfeasance by employees and complaints bearing on the Department's response to community needs.

It is the policy of the Shavano Park Police Department to receive, investigate, and conclude citizen complaints, including anonymous complaints, against the agency or our employees in a timely manner. This should always be done in a professional, courteous, and respectful manner. The agency, employees, and citizens all benefit from an honest, open, and objective policy for the reception and adjudication of complaints. While this administration is committed to maintaining a professionally trained and disciplined police department, the administration shall always observe an employee's constitutional rights in regards to allegations of employee misconduct.

The Chief of Police shall be responsible for the internal investigative function. Therefore, the Chief of Police shall be informed in writing, of formal complaints against the agency or employees. Because of the sensitivity and impact of the credibility of the Police Department, investigators assigned by the Chief of Police to investigate internal affairs complaints shall report their investigative findings *directly* to the Chief of Police.

The goal of any complaint-processing policy is *fairness and truthfulness*. This applies equally to the complainant, accused employee, agency, as well as, the community. Nothing in this policy changes an employee's 'at will' status with this agency or the city.

### II. PURPOSE

The purpose of this policy is to provide procedures regarding the internal (affairs) investigation function, including receiving, investigating, and concluding complaints against department personnel.

### III. DEFINITIONS

- A. Administrative Review: A documented review of an incident or occurrence prepared by or for the Chief of Police or designee. The review should indicate whether policy, training, equipment, or disciplinary issues should be addressed.
- B. Compelled Interview: An involuntary employee interview, whereby the employee is compelled to respond to job related questions, or face disciplinary sanctions, including dismissal.
- C. Complaint: An allegation of misconduct, violation of law or agency directives, against any member of the Department. This does not include a complainant's misunderstanding or disagreement with the application of law or agency policies.
- D. Conclusion of Fact: Final determination about allegations based on investigative activities. Classifications of investigative findings may include exonerated, sustained, not sustained, unfounded, and policy failure.
- E. Criminal Investigation: An inquiry concerning suspected criminal behavior for the purpose of identifying offenders or gathering evidence to assist the prosecution of alleged offenders.
- F. Discipline: A method of training or developing any employee by proper supervision and instruction. Discipline may be positive or negative.
- G. Disciplinary Action: Punitive measures taken against an employee as the result of a complaint of one or more violations which have been sustained by the administrative investigation, including verbal or written reprimands, suspension, demotion, and/or termination.
- H. Garrity v. New Jersey (1967): A landmark decision by the U. S. Supreme Court regarding a police officer's constitutional right to self-incrimination under the 14<sup>th</sup> Amendment, which concluded "that police officers are not relegated to a watered-down version of constitutional rights".
- I. Grievance: Formal request in writing to resolve differences in identified matters due to actual or supposed circumstances regarded as just cause for protest.
- J. Internal Affairs Investigation: A formal, detailed investigation of alleged misconduct, violation of law or agency directives.
- K. Public Information Act: The Public Information Act, as contained in Chapter 552 of the Texas Government Code, gives the public access to government records. The employee may not ask why a person wants the information. While all government records are subject to the Public Information Act, certain exceptions may apply to the disclosure of the information, such as the law enforcement exception.
- L. Substantial Evidence: Substantial evidence is defined as such evidence that a

reasonable person might accept as adequate to support a conclusion of fact. It is that quality of evidence necessary for a court to affirm an administrative decision.

#### **IV. GOAL AND OBJECTIVES**

- A. The goal of the internal investigations process is to instill and maintain public confidence in the Shavano Park Police Department, while ensuring fairness. This is accomplished through the following goals:
1. To ensure the integrity of the Police Department through a standardized process of investigation.
  2. To establish a fair, impartial, objective, and legal handling of internal investigations:
    - a. Employee should fully understand that they are held responsible for proper conduct under a program that provides them adequate safeguards.
    - b. Public recognition that citizen's complaints are taken seriously by this administration and will be investigated thoroughly. If warranted, appropriate corrective action will be taken.
  3. To provide citizens the opportunity to lodge complaints and obtain information regarding the process of the investigation, while maintaining open lines of communication with the community.
  4. To provide quality police service, while maintaining a professionally trained and disciplined police agency.
  5. To protect the agency and its employees against unfair or unwarranted criticism, including false or vindictive accusations.
  6. To promptly remove unsuitable personnel, who engage in serious acts of misconduct, or have demonstrated they are unfit for an assignment, rank held or police service in general.
  7. To identify and correct weakness in agency policies, equipment, and/or training.

#### **V. PROCEDURES – GENERAL (TBP:2.04)**

##### **A. Receipt of Complaints**

The Shavano Park Police Department takes all complaints of employee misconduct seriously and welcomes citizens to bring forward legitimate grievances of employee misconduct. Employees shall receive complaints courteously and respectfully, providing citizens resources or documentation of the agency complaint process.

1. A person wishing to make a formal complaint alleging employee misconduct must do so in writing, accompanied by their signature. While a notarized affidavit is preferred, a letter, fax, or e-mail may serve as notice of the complaint.
2. An internally originated complaint may be made by any supervisor or employee. The complaint must be in writing and accompanied by their signature. The notarized and/or signed affidavit will be submitted to the Chief of Police.
3. The Chief of Police may serve as the complainant, if warranted, regarding employee misconduct.

B. Notification of the Chief of Police (TBP: 2.07)

1. In the event that an agency employee is accused, arrested, or charged with a crime, or found to be under the influence of alcohol and/or drugs while on-duty, the Chief of Police shall be notified *immediately*.
2. The Chief of Police shall be notified promptly, *in writing*, of any formal complaint made against the agency or employees.

C. Complaints Requiring an Investigation

*Formal complaints*, alleging a violation of agency policy or law, against the agency or its employees shall be promptly investigated, including anonymous complaints, to ensure the integrity of agency operations and personnel.

1. Types of complaints to be investigated by supervisory personnel shall include routing disciplinary complaints, for example, tardiness, failure to report to duty, unprofessional conduct, rudeness, discourtesy, verbal abuse, sarcasm, neglect or inattention to duty, poor driving, or unacceptable job performance.
2. Types of complaints that require a formal internal investigation, at the direction of the Chief of Police, may include, but not limited to, allegations of incompetence, insubordination, intoxication, corruption, brutality, excessive use of force, unlawful arrests, illegal searches, breach of civil rights, sexual or other forms of illegal harassment, racial profiling, falsifying police reports, perjury, or criminal conduct. (TBP: 2.06)
3. The Chief of Police, with the approval of the City Manager, may elect to request an outside agency or firm to conduct an independent, formal internal investigation if circumstances necessitate the best interest of the individuals involved.

D. Time Limit on Internal Investigations



The impact of an internal investigation on the agency's integrity and employee morale necessitates a speedy resolution. Therefore, internal affairs complaints shall be *promptly* investigated and completed in a timely manner.

1. Unless extenuating circumstances exist, internal investigations shall be completed and any required disciplinary action taken within *30-days* of assignment. (TBP: 2.05)
2. A complete investigation is essential to the proper resolution of allegations of employee misconduct. Therefore, the Chief of Police has the authority to extend the time limit, in writing and as needed, to complete the internal investigation. (TBP: 2.05)

E. Notification to Complainant (TBP: 2.10)

The Chief of Police or designee shall be responsible to keep the complainant informed concerning the status of a complaint, including the results:

1. Provide written notification to the complainant, acknowledging receipt of the complaint.
2. Regarding extended investigations, keep the complainant informed by periodic status reports, either orally or in writing.
3. Responsible to notify the complainant of the final disposition of the investigation upon conclusion, although the degree of specificity of the notice shall be at the discretion of the Chief of Police.
4. Assure the complainant that the agency is committed to quality police service and are appreciative of their interest, concern, and cooperation.

F. Employee's Rights

Personnel complaints must comply with state law (Government Code 614.021). When employees are notified that they have become the focus of an internal investigation, the Chief of Police or designee shall issue the employee a written statement of the allegations. Police officers enjoy certain employee rights as protect by state law:

1. Persons wishing to make a formal complaint must do so in *writing*, accompanied by their signature. A notarized affidavit is preferred, but not required. A signed letter of the complaint may be sufficient.

2. A copy of a signed complaint against a law enforcement officer shall be given to the officer, within a reasonable amount of time after the complaint is filed. The employee will be instructed to respond, in writing, to the allegations.
3. *Disciplinary action* may not be taken against the officer, unless a copy of the signed complaint has been given to the officer. Sustained complaints must be based on "*finding of fact*" supporting the allegations. The employee may not be indefinitely suspended or terminated from employment, until the complaint is investigated and there is sufficient evidence to prove the allegation of misconduct.
4. Occasionally, malicious and deliberate false accusations are made against the agency or employees. To discourage false accusations, complainants should be provided a copy of the state's perjury statutes. False complaints will be prosecuted to the extent allowed by state law.
5. Employees may file an appeal of disciplinary action taken against them, in accordance with the City's grievance policy.

#### G. Compelled Employee Interviews

During a compelled interview, the employee will be instructed to fully cooperate with the investigation, including truthfully answering all questions relating to his/her law enforcement duties and/or the investigation. Employers have the right to expect their employees to tell the truth regarding their positions as public employees. (TBP: 2.14) *PUBLIC EMPLOYEES HAVE NO CONSTITUTIONAL RIGHT TO LIE!*

1. Upon receipt of a direct order by a supervisor, an employee may be disciplined for refusal to answer such questions, including dismissal.
  - a. The supervisor must warn the employee that refusal to answer job-related questions will constitute *insubordination*, warranting disciplinary action.
  - b. A distinction should be made between administrative and criminal investigations. Employees should be advised that their compelled statements nor evidence gained there from cannot be used against them in any criminal proceedings, but may be used in disciplinary action.
  - c. Prior to conducting a compelled interview involving criminal behavior, the assigned investigator should always consult with the Bexar County District Attorney's Office before proceeding with the internal investigation interview.

- d. If criminal, employees cannot be asked to surrender their constitutional privileges against self-incrimination. According to the U.S. Constitution, “*no person shall be compelled in any criminal case to be a witness against himself.*”
2. During compelled interviews, the employee will not be permitted to have counsel, a supervisor, or any other representative present. The 5<sup>th</sup> Amendment right to counsel does not apply to administrative matters.
3. At the discretion of the Chief of Police, the employee may also be required to submit or participate in the following specific conditions (at the agency’s expense) to further aid the administrative review:
  - a. Medical or lab examinations;
  - b. Photo lineup; and/or
  - c. Polygraph examination.

If the employee refuses to participate as ordered by the Chief of Police or designee, the employee may be subject to disciplinary action, including termination for insubordination. Any results obtained from these conditions are limited to administrative use, except as provided by law.

4. The Chief of Police may authorize reasonable searches of city property and equipment, such as employee’s desks, file cabinets, lockers, vehicles, etc. for the purpose of identifying, locating, and securing city property or evidence that may be utilized as part of the internal investigation.
5. The Chief of Police may require an employee to provide the department with a list of social media sites used by the employee and the username utilized on each site if the social media site(s) have relevance to the investigation.
6. If the focus of the investigation is criminal rather than administrative, the employee shall enjoy all constitutional rights provided by law, including the *Garrity Rule* or *Miranda Warning*.
7. This practice shall be subject to any legal requirements related to criminal allegations, including the 5<sup>th</sup> Amendment of self-incrimination, the 6<sup>th</sup> Amendment right to an attorney, and the 14<sup>th</sup> Amendment of due process.
8. If criminal allegations are involved, the Chief of Police may elect to request an outside law enforcement agency to pursue the investigation or to conduct an independent investigation, such as: (TBP: 2.06)

- a. Bexar County Sheriff's Office
  - b. Bexar County District Attorney's Office
  - c. Texas Department of Public Safety or Texas Rangers
  - d. Federal Bureau of Investigation or other federal agencies
9. All compelled interviews for administrative and criminal investigations shall be recorded in their entirety. The recording will note the time at which breaks are taken in the interview process, who requested the break, and the time at which the interview resumed.

#### H. Administrative Suspensions

Under certain circumstances, an employee may be relieved from duty at the discretion of the Chief of Police or designee.

1. The Chief of Police retains the authority to relieve from duty any agency employee for the best interests of the agency, including public safety or liability concerns.
2. The relief from duty may be a temporary administrative action, such as suspension with or without pay, or immediate dismissal, which is subject to the City Manager's approval.
3. If an employee refuses to submit to a test for alcohol or drug use, the Chief of Police or other officer in authority shall immediately relieve the employee from duty, *with pay*, for failure to cooperate in an administrative investigation.
4. Supervisory personnel have the authority to temporarily relieve from duty, *with pay*, any employee who is physically or psychologically unfit for duty, such as intoxication or fatigue.
  - a. When an employee is temporarily relieved from duty, the supervisor shall collect the employee's badge, employee identification card, and department issued weapons.
  - b. Whenever an employee is relieved from duty, the Chief of Police shall *immediately* be notified.
  - c. Supervisors retain the authority to discipline a subordinate for minor infractions, including verbal warnings, counseling, or remedial training. All instances of verbal warnings, employee counseling or remedial training will be documented by the

supervisor or commanding officer initiating such action. (TBP: 2.04)

#### I. Conclusion of Facts (TBP: 2.04)

When the investigation is completed, the Chief of Police shall be responsible to provide a written “*conclusion of fact*” for each internal investigation into allegations of employee misconduct.

1. The conclusion of the disciplinary process should provide relevant information to all participants regarding final action taken, relative to the merits of the complaint and any culpability, including any required changes in agency policies, training, and/or equipment.
2. If several violations are alleged, each charge will be addressed and adjudicated separately. The conclusion of fact shall include a formal disposition, such as:
  - a. Unfounded: Allegation is false or not supported factually.
  - b. Not Sustained: Insufficient evidence either to prove or disprove the allegation; or the case is closed due to lack of cooperation from the complainant.
  - c. Not Involved: The investigation reveals that the named employee was not involved in the incident.
  - d. Sustained: Allegation is supported by sufficient evidence that the incident did occur and the named employee did engage in misconduct.
  - e. Exonerated: The conduct complained of did occur, but the employee’s actions were lawful, proper, or justified.
3. The Chief of Police shall be responsible to initiate disciplinary process required to correct employee misconduct. Any disciplinary action should be based upon violation of agency or city policies, state, and/or federal laws.
4. The City Attorney or Texas Municipal League’s legal department may be consulted regarding any employee decisions that might affect this directive.

#### J. Types of Disciplinary Actions

All disciplinary action will be based on *substantial* evidence. “Proof beyond a reasonable doubt” or “preponderance of evidence” is not required.

1. Minor infractions may be corrected by a verbal warning, employee counseling, or remedial training directed to improve the employee's job performance or to correct unacceptable behavior. All instances of verbal warnings, employee counseling, or remedial training will be documented by the supervisor or commanding officer initiating such action. (TBP: 2.04)
2. Major infractions may warrant more formal types of disciplinary action, which can only be assessed by the Chief of Police, such as written reprimand, suspension, demotion, re-assignment, or termination. The issuance of a written reprimand may be accomplished by the Police Captain after consulting with the Chief of Police.
3. Disciplinary actions involving a monetary loss by the employee, such as suspension, demotion, and termination, shall be subject to an appeal to the City Manager, who has final authority. (Cross-reference with the City of Shavano Park Employee Manual, "*Grievance-Filing Procedures*")

#### K. Confidentiality of Investigations

All internal investigations are "*confidential*". The complaint and investigation records shall be kept secure and in compliance of Public Information Act requirements. Any employee, who violates this written directive, may be subject to disciplinary action.

1. The City of Shavano Park must respond to any subpoena for internal investigation records. However, it is the policy of the City of Shavano Park and the Shavano Park Police Department to contest all such subpoenas where frivolous grounds exist. The City Attorney should always be consulted upon receipt of any court subpoena for administrative records.
2. The Chief of Police shall maintain a log of all formal complaints against the agency or employees.
3. Internal investigation files shall be kept in a restricted, secure area as designated by the Chief of Police. These files shall be maintained in accordance with state law and city policy to protect the *confidentiality* of these records. (TBP: 2.09)
4. Access shall be restricted and available only at the approval of the Chief of Police. (TBP: 2.09)
5. The Chief of Police shall make available to the public a log of formal

complaint investigations upon receipt of a written request consistent with current Public Information Act requirements.

#### L. Retention

The retention and purging of internal investigation records shall be consistent with agency policy and state law, at the direction of the Chief of Police.

#### M. Behavioral Cause Investigations

A behavioral cause investigation is an administrative investigation which is conducted when an employee exhibits unusual or abnormal behavior which could affect his/her ability to perform their job in an acceptable of safe manner. This may either be observed behavior by the employee's supervisor or a perceived behavioral deficiency which is claimed by the employee.

1. The employee will be referred, at the City's expense, to a licensed psychologist, who will examine the employee and make a determination as to his/her fitness for duty. Any information obtained by the psychologist which does not relate to the specific incident or problem under investigation will be considered privileged communication and shall not be disclosed or entered into any agency or personnel file.
2. The Chief of Police reserves the authority to initiate a behavioral cause investigation, whenever believed that it is in the best interest of the employee and/or the Department.

### **VI. REQUIRED DISCLOSURE**

- A. Disclosure of certain internal investigation records may be released to the Bexar County District Attorney's Office or other prosecutorial office as required by law.
- B. The Police Captain will maintain an updated "Employee Biographical Sketch" for all sworn employees that shall contain information pertaining to disciplinary actions including date, type, disposition, action, and IA file number.
- C. Only the Chief of Police or Police Captain are authorized to disclose required internal investigation records to a prosecutorial office.

## Exhibit #7

<b>SHAVANO PARK POLICE DEPARTMENT STANDARD OPERATIONAL PROCEDURES</b>	
<b>Subject: SOP VI. E, Vehicle and Body Video Cameras</b>	
<b>Effective Date:</b> Oct. 1, 2019	<b>Replaces:</b> Aug 16, 2017
<b>Approved:</b>	Ray Lacy Chief of Police
<b>Reference:</b>	

### I. POLICY

It is the policy of Shavano Park Police Department that officers shall activate mobile audio/video recording equipment and body worn cameras when such use is appropriate to the proper performance of their official duties, and where the recordings are consistent with this policy and state law. These recordings are the sole property of the Shavano Park Police Department. This Policy is designed to maximize the reliability of video recordings, and to establish evidence that is reliable and which conforms to established legal procedure. The use of mobile video, audio recordings, and body worn cameras provides documentary evidence and helps defend against civil litigation and allegations of officer misconduct. Officers who use these devices shall adhere to the operational objectives and protocols outlined herein so as to maximize the effectiveness of the departmental video/audio recording equipment and the integrity of evidence and related video documentation.

### II. PURPOSE

It is the purpose of this policy to establish department guidelines and responsibilities for the proper use of vehicle and body video cameras. Recording assists in:

- A. Documenting law enforcement encounters and providing evidence for investigative and prosecutorial purposes pursuant to applicable law and this policy, considering the need for privacy in certain situations and at certain locations.
- B. Enhancing the accuracy of reports and testimony in court.
- C. Aiding evaluations and training.



### **III. DEFINITIONS**

- A. Body Worn Camera (BWC): An authorized recording device issued by the Shavano Park Police Department that is capable of recording, or transmitting to be recorded remotely; video and or audio, to be worn on clothing or as glasses, for performing official duties.
- B. Mobile Audio Video Recording (MAVRS): Authorized mobile camera recording system installed in vehicles that is cable of recording, or transmitting to be recorded remotely, video or audio.
- C. Camera: A BWC and/or MAVRS device.
- D. Cold Storage Data storage used to retain inactive recordings that must be maintained for legal purposes.
- E. Computer Aided Dispatch (CAD): Computer communications system that provides record copy of communications between the Public Safety Communications Center (dispatch center) and patrol vehicles.
- F. Covert Operations: Undercover criminal investigations or law enforcement operations.
- G. Officer: On-Duty regular full-time, part-time, and reserve peace officer of any rank performing official duties of the Shavano Park Police Department.
- H. Off-Duty Uniformed Employment: Regular full-time and part-time peace officer of any rank performing official duties as a Shavano Park Police Officer at an approved off-duty security detail while wearing a Shavano Park Patrol Uniform and duty gear.
- I. File: All sounds, images and metadata associated with a camera recording.
- J. Mobile Audio Video Recording (MAVRS): Authorized mobile camera recording system installed in vehicles that is cable of recording, or transmitting to be recorded remotely, video or audio.
- K. Private Space: A location in which a person has a reasonable expectation of privacy, including a person's home.
- L. Recording: Any video/audio file created from a BWC or MAVRS.
- M. Video Evidence Custodian: Employee(s) of Shavano Park Police Department designated by the chief with the responsibility for custody, security, and access control of recordings made by a BWC or MAVRS device.

### **IV. PROCEDURES**

#### **A. WHEN TO USE THE CAMERAS**

1. Officers shall not keep their cameras activated for the entire shift.
2. Mandatory Use. Each officer shall activate their camera immediately upon being dispatched or prior to arrival to calls for service or incidents listed below, ensuring that their camera is activated prior to arrival or contact in the following situations:
  - a. Any enforcement-oriented or investigative encounters to confirm or dispel a suspicion that the person may be involved in criminal activity. This includes temporary detentions, vehicle stops, pedestrian stops, and consensual encounters.
  - b. Service of search warrants or arrest warrants.

- c. Contact with complainants regarding crimes against persons.
  - d. Any situations where the officer reasonably believes that the recording may provide evidence in criminal or internal investigations.
  - e. Any non-enforcement encounter that becomes confrontational, assaultive, or enforcement oriented.
  - f. Any incident involving use of force
  - g. Any officer involved in a fleet collision shall, unless physically unable to, immediately activate their video and audio recording system.
  - h. Responding to complaints or calls for service. Upon arrival if the incident does not meet the criteria above the officer may turn off their body camera.
3. If any of the incidents referenced above are self-initiated the officer shall make every reasonable effort to activate camera(s) prior to making contact and ensure that the camera is activated.
  4. Discretionary Use. Officers may record:
    - a. Victim and witness interviews. The use of a camera does not change the requirement to obtain written statements.
    - b. Non-enforcement encounters when a recording could have value as evidence.
  5. Reporting requirements:
    - a. Officers must include the existence or absence of any associated recording in their reports.
    - b. For any mandatory use incident, an officer must document in their report or CAD notes why a recording was not made, was interrupted, or was terminated early.
    - c. Officers will ensure all recordings are tagged appropriately.

## B. RESTRICTIONS ON CAMERA USE

1. Cameras shall be used only in conjunction with official law enforcement duties.
2. Cameras shall not be used to record:
  - a. Communications with Shavano Park personnel or other official personnel (i.e. other government or law enforcement personnel) without the permission of the Chief or Chief's designee, unless necessary for an authorized law enforcement purpose.
  - b. Encounters with undercover employees, confidential informants, covert operations, unless necessary for law enforcement purposes.
  - c. When on break or otherwise engaged in personal activities.
  - d. In any location where individuals have a reasonable expectation of privacy, such as a restroom or locker room, unless needed for law enforcement purposes.
3. Officers shall not intentionally direct a person out of the camera's field of view for the purpose of not having the contact visually recorded or turn off the microphone while contact is being made.

4. If there is an equipment failure resulting in a deactivation, the officer will notify his/her supervisor and the reason for the deactivation and notification be made in writing through the ranks to the Chief or Chief's designee.

## **V. EQUIPMENT**

- A. Officers will inspect and test the body worn camera prior to each shift in order to verify proper functioning.
- B. The body worn camera is a part of the Patrol Division uniform and patrol duty equipment issued to officers and shall be worn by regular duty Patrol Officers at any time a regular duty Patrol Officer is wearing the uniform and duty gear in public and on duty to include while working in uniform at an approved off-duty security employment detail. The Chief or Chief's designee may waive this requirement for Patrol officers, administrative assigned officers, training unit officers, or during training, special events, or other events.
- C. If practical, administrative personnel should have a body worn camera accessible while in a patrol uniform and responding to a law enforcement incident. Officers who are assigned camera equipment must use the equipment in accordance with this policy unless otherwise authorized by the Chief or Chief's designee.
- D. Reserve officers assigned to the Patrol Division shall check out a body worn camera as soon as they report for duty and wear the camera on their uniform throughout the entire shift in accordance to this policy. Upon completion of their duty assignment all videos should be uploaded and the camera returned.
- E. Camera equipment use and care is the responsibility of the individual officer and will be used with reasonable care to ensure proper function. Officers shall inspect and test the camera prior to each shift in order to verify proper functioning and adequate battery power.
- F. Equipment malfunctions shall be brought to the supervisor's attention and made in writing through the ranks to the Chief or Chief's designee as soon as possible so that a replacement unit may be procured, if available.
- G. Use of personally owned camera equipment for Shavano Park Police Department official duties is prohibited.

## **VI. REVIEWING PROCEDURES**

- A. Recordings may be reviewed in any of the following situations:
  1. By an authorized employee to make sure the cameras are working during required checks.
  2. By an officer to assist in making a statement or writing a report about an incident.
  3. By a supervisor for monthly inspections as authorized by this policy
  4. By authorized Shavano Park Police Department personnel as part of an official investigation, such as a personnel complaint, administrative inquiry, or a criminal investigation.
  5. By authorized persons for the purpose of reviewing evidence.

6. For training purpose. Officers are encouraged to inform their supervisor and the Officer Training Division of any recordings that may be of value for training purposes.
- B. Citizens shall not be allowed to review the recordings at the scene unless needed for a law enforcement purpose, which shall be documented in a case report.
- C. No employee shall edit, alter, erase, duplicate, share, copy, download or otherwise distribute recordings in any manner without prior written authorization and approval of the Chief or Chief's designee.

## **VII. SUPERVISORY RESPONSIBILITIES**

- A. Supervisors will conduct monthly inspections of recordings to ensure officers are complying with this policy that the equipment is operating properly, to identify recordings of value for the Training Division, and to identify any areas in which additional training or guidance is required.
- B. Reports of noncompliance with this policy will be forwarded within the chain of command to determine if discipline or additional training is required.

## **VIII. ACCESS, RETENTION, AND STORAGE**

- A. All recordings shall be securely downloaded periodically and no later than the end of each shift. Each recording shall contain the date, camera identifier, name of assigned officer, and a case number (if applicable).
- B. Access to recordings is restricted for official use only and must be authorized by the Chief or Chief's designee or as allowed under this policy or other law. Accessing, copying, or releasing recordings for non-law enforcement purposes is prohibited, unless authorized by the Chief or Chief's designee, or as allowed under this policy or other law.
- C. Access to stored recordings must be audited by the Chief's or Chief's designee to ensure that only authorized users are accessing the files in accordance with this policy.
- D. Recordings must be securely stored and retained consistent with applicable state records retention laws, including the following:
  1. Recordings created with a camera and documenting an incident that involves the use of deadly force by an officer or that is otherwise related to an administrative or criminal investigation of an officer may not be deleted, destroyed, or released to the public until all criminal and civil matters have been final adjudicated and all related administrative investigations have concluded, except as allowed by paragraph D.2, below.
  2. Unless prohibited by law, a recording may be released to the public by the Chief or Chief's designee for law enforcement purposes, or as required by any applicable law.
  3. Recordings shall be retained for a minimum of 90 days in operational storage. All videos categorized with an arrest shall also be exported and saved for long-term evidentiary storage.

- 4. A backup of all recordings will be created, maintained and data security implemented as determined by the Chief or Chief's designee.
- E. Requests to delete portion(s) of recordings (e.g. in the event of a personal or accidental recording) must be submitted in writing and approved by the Chief or Chief's designee in accordance with state record retention laws. All requests and final decisions shall be kept on file.
- F. Recordings documenting incidents involving the use of deadly force by a peace officer or that is otherwise related to an administrative or criminal investigation of an officer may not be deleted, destroyed, or released to the public until all related administrative investigations have concluded.

(Per Occupations Code 1701.655 Body Worn Camera Policy, retention period may not be less than 90 days)

## **IX. REQUESTS FOR COPIES**

- A. Requests for copies of recordings by the public will be handled in accordance with public information requests under Chapter 552 of the Texas Government Code, Chapter 1701 of the Texas Occupations code and any other applicable statute.
- B. A copy of a recording for internal use only may be requested through the Video Evidence Custodian.
- C. All copies of recordings will be produced by the Video Evidence Custodian.
- D. Requests for Copies of recordings by other law enforcement agencies for an official purpose are to be submitted in writing to the Video Evidence Custodian. The request must be in writing, on agency letterhead, signed by the requesting officer, and endorsed by the requestor's supervisor.
- E. Requests for copies from attorneys for matter in any court must be made through the District Attorney's Office.
- F. The Shavano Park Police Department may not release any portion of a recording made in a private space, or of a recording involving the investigation of conduct that constitutes a misdemeanor punishable by fine only and does not result in arrest, without written authorization from the person who is the subject of the recording. If the person is deceased, a representative of the deceased may authorize the release.
- G. An employee who releases a recording without permission of the Shavano Park Police Department may be charged with a Class A misdemeanor.

## **X. TRAINING**

All employees who will handle, use, or otherwise come into contact with recordings obtained from BWC or MAVRS devices will be trained in the operation and/or handling of such equipment and recordings. Additional training may be required at periodic intervals to ensure the continued effective use and operation of the equipment, proper calibrations and performance, and to incorporate changes, updates, or other revisions in policy and equipment.