

Saginaw Police Department



Citizen Contact Data
2003 Annual Report



MEMORANDUM

SAGINAW POLICE DEPARTMENT

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DATE: 02/13/04	TO: Nan Stanford City Manager	FROM: Roger Macon Chief of Police	SUBJECT: 2003 Citizen Contact Data
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Overview

Since January 1, 2002, the Saginaw Police Department has collected citizen contact data in accordance with the Texas Racial Profiling Law (Senate Bill No. 1074) for the purpose of identifying and responding (if necessary) to concerns regarding racial profiling practices. This report presents a summary of data collected, and provides an analysis of citizen contacts compared to our general population. As you are aware, the law requires that this information be presented to our city council no later than March 1 of each year.

Citizen Contact Data

The Saginaw Police Department documented 5,380 citizen contacts between January 1, 2003 and December 31, 2003. The following table provides a distribution of these stops sorted by race/ethnicity, as mandated by state law:

	Contacts	
Race/Ethnicity	N	%
Caucasian	4,183	77.8
Hispanic	894	16.6
African	219	4.0
Asian	79	1.5
Native American	1	0.0
Other	4	0.0
Total	5,380	100.0

Search Data

Of the 5,380 documented citizen contacts, Saginaw Police officers conducted 140 searches (2.6% of all stops). Most searches (88.6%) were based upon the arrest of a person, or probable cause to search the motor vehicle or person stopped. Consent to search was given in 6.4% of total searches, while "Other" constituted the remaining 5%. (Most officers citing "Other" as the reason for search were conducting pat downs for officer safety. Invasive searches were not conducted in

these incidents.) The following table provides a distribution of all searches sorted by race/ethnicity, as mandated by state law:

Race/Ethnicity	Searches				Probable	
	N	Total	Consent	Arrest	Cause	Other
Caucasian	117	83.6%	9	76	26	6
Hispanic	16	11.4%	0	10	5	1
African	6	4.3%	0	5	1	0
Asian	1	0.7%	0	0	1	0
Native American	0	0.0%	0	0	0	0
Other	0	0.0%	0	0	0	0
Total	140	100.0%	9	91	33	7

Baseline Information/Methodology

Several methods (residential population, licensed driver population, road surveys, vehicle availability data, etc.) have been discussed for establishing baseline population information for comparative purposes. The most logical when discussed among law enforcement professionals is the use of Texas Department of Public Safety (DPS) data for licensed drivers. This in itself still presents logistical problems when attempting comparisons. DPS data is not available for individual cities, but is provided by zip code. The following table presents DPS data for the two predominant zip codes in Saginaw (76131 and 76179), sorted by race/ethnicity:

Race/Ethnicity	DPS Data	
	N	Total
Caucasian/ Hispanic	24,615	94.7%
African	546	2.1%
Asian	779	3.0%
Native American	29	0.1%
Other	204	0.8%
Total	25,993	100.0%

Please consider two things when reviewing this table; 1) the Caucasian and Hispanic licensed drivers have been combined due to DPS reporting standards; and 2) the total number of drivers far exceeds the city’s population. Again, this is due to DPS reporting standards and our inability to elicit information specific to Saginaw drivers. However, these numbers should be considered representative of our transient population (i.e. those people who travel through Saginaw on a daily basis, regardless of where they live).

The police department has tracked the number of Saginaw residents contacted during the reporting period. The following table details residents stopped, sorted by race/ethnicity using DPS standards. These numbers will be compared against DPS driver information in the Comparative Analysis section of this report.

Race/Ethnicity	Resident Data	
	N	Total
Caucasian/Hispanic	1,366	94.4%
African	69	4.8%
Asian	11	0.8%
Native American	1	0.0%
Other	0	0.0%
Total	1,447	100.0%

Comparative Analysis

State law requires that our department offer a comparative analysis of total persons stopped (citizen contact data) to a total of the general population (baseline data). The following table does so, comparing Saginaw residents stopped, sorted by race/ethnicity, to that of our prevailing zip codes, also sorted by race ethnicity. Also note that Caucasians and Hispanics have once again been combined, to conform to DPS reporting standards.

Race/Ethnicity	Resident Data		DPS Data		Variance	
	N	Total	N	%	N	%
Caucasian/Hispanic	1,366	94.4%	24,615	94.7%	23,249	99.7%
African	69	4.8%	546	2.1%	477	228.6%
Asian	11	0.8%	779	3.0%	768	26.6%
Native American	1	0.0%	29	0.1%	28	0.0%
Other	0	0.0%	204	0.8%	204	0.0%
Total	1,447	100.0%	25,993	100.0%		

The “Variance” column relates to the percentage of residents stopped compared the DPS data for this area. (Example: 94.4% of SPD stops were Caucasian or Hispanic, while these groups make up 94.7% of the local population – 94.4% divided by 94.7% equals 99.7%.)

Theoretically members of each race/ethnicity would be stopped in proportionate numbers to the persons living in our area. Our numbers suggest a slightly higher number of Africans were detained than live in this area. However, the total (69 residents) in a period of 365 calendar days would not seem excessive.

Policies and Training

As required by law, the Saginaw Police Department adopted policies regarding Racial Profiling (SPD General Order 308), complaints against police employees (SPD General Order 203 – Discipline) and the use of in-car video camera systems (SPD General Order 305 – Mobile Video Systems). Each of these policies was in place prior to January 1, 2002. The Department received verification from the Texas Commission on Law Enforcement Standards and Education (TCLEOSE) in June 2002 that our racial profiling policy conforms to all applicable state statutes.

State law also required that the chief of police and every sworn officer be trained in racial profiling by September 1, 2003. This mandate has been attained – all officers employed by the City of Saginaw have received racial profiling training.

Complaints Regarding Racial Profiling

Any officer of the Saginaw Police Department who is found, after investigation, to have engaged in racial profiling may be subject to disciplinary action, up to and including termination. Disciplinary or corrective action may include cultural diversity, sensitivity or other appropriate training or counseling, as determined by the Chief of Police.

The Department provides education to the public on how to make a complaint against a police employee in our brochure, *Commendations and Complaints Regarding Saginaw Police Employees*. These brochures are available in the police department lobby, through the municipal court, or by request from any supervisor.

The Saginaw Police Department received no complaints, on any members of its police force, for having violated the Texas Racial Profiling Law during the time period of January 1, 2003 to December 31, 2003.

Conclusion

These findings suggest that the Saginaw Police Department does not currently experience a problem regarding racial profiling practices. This is supported by the fact that we have not received complaints from community members regarding officers misconduct associated with racial profiling practices.

The continuing effort to collect police contact data will assure an on-going evaluation of the Saginaw Police Department practices. Thus, allowing for the citizens of the Saginaw community to benefit from professional and courteous service from their police department.

Copies of this report and supporting documents are available for council members, and will be posted on the city's website for the public.

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Attachment 1 -
Racial Profiling Law (S.B. 1074)

The Texas Law on Racial Profiling (S.B. 1074)

AN ACT

relating to the prevention of racial profiling by certain police officers.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 2, Code of Criminal Procedure, is amended by adding Articles 2.131 through 2.138 to read as follows:

Art. 2.131. RACIAL PROFILING PROHIBITED. A peace officer may not engage in racial profiling.

Art. 2.132. LAW ENFORCEMENT POLICY ON RACIAL PROFILING.

(a) In this article:

(1) "Law enforcement agency" means an agency of the state, or of a county, municipality, or other political subdivision of the state, that employs peace officers who make traffic stops in the routine performance of the officers' official duties.

(2) "Race or ethnicity" means of a particular descent, including Caucasian, African, Hispanic, Asian, or Native American descent.

(b) Each law enforcement agency in this state shall adopt a detailed written policy on racial profiling. The policy must:

(1) clearly define acts constituting racial profiling;

(2) strictly prohibit peace officer employed by the agency from engaging in racial profiling;

(3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;

(4) provide public education relating to the agency's complaint process;

(5) require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article;

(6) require collection of information relating to traffic stops in which a certain criterion is issued and to arrests resulting from those traffic stops, including information relating to:

(A) the race or ethnicity of the individual detained; and

(B) whether a search was conducted and, if so, whether the person detained consented to the search; and

(7) require the agency to submit to the governing body of each county or municipality served by the agency an annual report of the information collected under Subdivision (6) if the agency is an agency of a county, municipality, or other political subdivision of the state.

(c) The data collected as a result of the reporting requirements of this article shall not constitute prima facie evidence of racial profiling.

(d) On adoption of a policy under Subsection (b), a law enforcement agency shall examine the feasibility of installing video camera and transmitter-activated equipment in each agency law enforcement motor vehicle regularly used to make traffic stops and transmitter-activated equipment in each agency law enforcement motorcycle regularly used to make traffic stops. If a law enforcement agency installs video or audio equipment as provided by this subsection, the policy adopted by the agency under Subsection (b) must include standards for reviewing video and audio documentation.

(e) A report required under Subsection (b) (7) may not include verifying information about a peace officer who makes a traffic stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the collection of information as required under Subsection (b) (6).

(f) On the commencement of an investigation by a law enforcement agency of a complaint described by Subsection (b) (3) in which a video or audio recording of the occurrence on which the complaint is based was made, the agency shall promptly provide a copy of the

recording to the peace officer who is the subject of the complaint on written request by the officer.

Art. 2.133. REPORTS REQUIRED FOR TRAFFIC AND PEDESTRIAN STOPS.

(a) In this article:

- (1) “Race or ethnicity” has the meaning assigned by Article 2.132 (a).
- (2) “Pedestrian stop” means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.

(b) A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance regulating traffic or who stops a pedestrian for any suspected offense shall report to the law enforcement agency that employs the officer information relating to the stop, including:

- (1) a physical description of each person detained as a result of the stop, including:
 - (A) the person’s gender; and
 - (B) the person’s race or ethnicity, as stated by the person or, if the person does not state the person’s race or ethnicity, as determined by the officer to the best of the officer’s ability;
- (2) the traffic law or ordinance alleged to have been violated or the suspected offense;
- (3) whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;
- (4) whether any contraband was discovered in the course of the search and the type of contraband discovered;
- (5) whether probable cause to search existed and the facts supporting the existence of that probable cause;
- (6) whether the officer made an arrest as a result of the stop or search, including a statement of the offense charged;
- (7) the street address or approximate location of the stop; and
- (8) whether the officer issued a warning or a citation as a result of the stop, including a description of the warning or statement of the violation charged.

Art. 2.134. COMPILATION AND ANALYSIS OF INFORMATION COLLECTED.

(a) In this article, “pedestrian stop” means an interaction between a peace officers and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.

(b) A law enforcement agency shall complete and analyze the information contained in each report received by the agency under Article 2.133. Not later than March 1 of each year, each local law enforcement agency shall submit a report containing the information compiled during the previous calendar year to the governing body of each county or municipality served by the agency in a manner approved by the agency.

(c) A report required under Subsection (b) must include:

- (1) a comparative analysis of the information compiled under Article 2.133 to:
 - (A) determine the prevalence of racial profiling by peace officers employed by the agency; and
 - (B) examine the disposition of traffic and pedestrian stops made by officers employed by the agency, including searches resulting from the stop; and
- (2) information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

(d) A report required under Subsection (b) may not include identifying information about a peace officer who makes a traffic or pedestrian stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the reporting of information required under Article 2.133 (b) (1).

(e) The Commission on Law Enforcement Standards and Education shall develop guidelines for compiling and reporting information as required by this article.

(f) The data collected as a result of the reporting requirements of this article shall not constitute prima facie evidence of racial profiling.

Art. 2.135. EXEMPTION FOR AGENCIES USING VIDEO AND AUDIO EQUIPMENT.

(a) A peace officer is exempt from the reporting requirements under Article 2.133 and a law enforcement agency is exempt from compilation, analysis, and reporting requirements under Article 2.134 of:

(1) during the calendar year preceding the date that a report under Article 2.134 is required to be submitted:

(A) each law enforcement motor vehicle regularly used by an officer employed by the agency to make traffic and pedestrian stops is equipped with video camera and transmitter-activated equipment and each law enforcement motorcycle regularly used to make traffic and pedestrian stops is equipped with transmitter-activated equipment; and

(B) each traffic and pedestrian stop made by an officer employed by the agency that is capable of being recorded by video and audio equipment, as appropriate, is recorded by using the equipment; or

(2) the governing body of the county or municipality served by the law enforcement agency, in conjunction with the law enforcement agency, certifies to the Department of Public Safety, not later than the date specified by rule by the department, that the law enforcement agency needs funds or video and audio equipment for the purpose of installing video and audio equipment as described by Subsection (a) (1) (A) and the agency does not receive from the state funds or video and audio equipment sufficient, as determined by the department, for the agency to accomplish that purpose.

(b) Except as otherwise provided by this subsection, a law enforcement agency that is exempt from the requirements under Article 2.134 shall retain the video and audio or audio documentation of each traffic and pedestrian stop for at least 90 days after the date of the stop. If a complaint is filed with the law enforcement agency alleging that a peace officer employed by the agency has engaged in racial profiling with respect to a traffic or pedestrian stop, the agency shall retain the video and audio or audio record of the stop until final disposition of the complaint.

(c) This article does not affect the collection or reporting requirements under Article 2.123.

Art. 2.136 LIABILITY. A peace officer is not liable for damages arising from an act relating to the collection or reporting of information as required by Article 2.133 or under a policy adopted under Article 2.32.

Art. 2.137 PROVISION OF FUNDING OR EQUIPMENT.

(a) The Department of Public Safety shall adopt ruled for providing funds or video and audio equipment to law enforcement agencies for the purpose of installing video and audio equipment as described by Article 2.135 (a) (1) (A), including specifying criteria to prioritize funding or equipment provided to law enforcement agencies. The criteria may include consideration of tax effort, financial hardship, available revenue, and budget surpluses. The criteria must give priority to:

(1) law enforcement agencies that employ peace officers whose primary duty is traffic enforcement;

(2) smaller jurisdictions; and

(3) municipal and county law enforcement agencies.

(b) The Department of Public Safety shall collaborate with an institution of higher education to identify law enforcement agencies that need funds or video and audio equipment for the purpose of installing video and audio equipment as described by Article 2.135 (a) (1) (A). The collaboration may include the use of a survey to assist in developing criteria to prioritize funding or equipment provided to law enforcement agencies.

(c) To receive funds or video and audio equipment from the state for the purposes of installing video and audio equipment as described by Article 2.135 (a) (1) (A), the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency needs funds or video and audio equipment for that purpose.

(d) On receipt of funds or video and audio equipment from the state for the purpose of installing video and audio equipment as described by Article 2.135 (a) (1) (A), the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or

municipality, shall certify to the Department of Public Safety that the law enforcement agency has installed video and audio equipment as described by Article 2.135 (a) (1) (A) and is using the equipment as required by Article 2.135 (a) (1).

Art. 2.138 RULES. The Department of Public Safety may adopt rules to implement Articles 2.131-2.137.

SECTION 2. Chapter 3, Code of Criminal Procedure, is amended by adding Article 3.05 to read as follows:

Art. 3.05. RACIAL PROFILING. In this code, "racial profiling" means 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.

SECTION 3. Section 96.641, Education Code, is amended by adding Subsection (j) to read as follows:

- (j) As part of the initial training and continuing education for police chiefs required under this section, the institute shall establish a program on racial profiling. The program must include an examination of the best practices for:
- (1) monitoring peace officers' compliance with laws and internal agency policies relating to racial profiling;
 - (2) implementing laws and internal policies relating to preventing racial profiling; and
 - (3) analyzing and reporting collected information.

SECTION 4. Section 1701.253, Occupations Code, is amended by adding Subsection (e) to read as follows:

- (e) As part of the minimum curriculum requirements, the commission shall establish a statewide comprehensive education and training program on racial profiling for officers licensed under this chapter. An officer shall complete a program established under this subchapter not later than the second anniversary of the date the officer is licensed under this chapter or the date the officer applies for an intermediate proficiency certificate, whichever is earlier.

SECTION 5. Section 1701.402, Occupations Code, is amended by adding Subsection (d) to read as follows:

- (d) As a requirement for an intermediate proficiency certificate, an officer must complete an education and training program on racial profiling established by the commission under Section 1701.253 (e).

SECTION 6. Section 543.202, Transportation Code, is amended to read as follows:

Sec 543.202. FORM OF RECORD.

- (a) In this section, "race or ethnicity" means of a particular descent, including Caucasian, African, Hispanic, Asian, or Native American descent.
- (b) The record must be made on a form or by a data processing method acceptable to the department and must include:
- (1) the name, address, physical description, including race or ethnicity, date of birth, and driver's license number of the person charged;
 - (2) the registration number of the vehicle involved;
 - (3) whether the vehicle was a commercial vehicle as defined by Chapter 522 or was involved in transporting hazardous materials;
 - (4) the person's social security number, if the person was operating a commercial motor vehicle or was the holder of a commercial driver's license or commercial learner's permit;
 - (5) the date and nature of the offense, including whether the offense was a serious traffic violation as defined by Chapter 522;
 - (6) whether a search of the vehicle was conducted and whether consent for the search was obtained;
 - (7) the plea, the judgment, and whether bail was forfeited;
 - (8) [(7)] the date of conviction; and
 - (9) [(8)] the amount of the fine or forfeiture.

SECTION 7. Not later than January 1, 2002, a law enforcement agency shall adopt and implement a policy and begin collecting information under the policy as required by Article 2.132, Code of Criminal Procedure, as defined by this Act. A local law enforcement agency shall first submit information to the governing body of each county or municipality served by the agency as required by Article 2.132, Code of Criminal Procedure, as added by this Act, on March 1, 2003. The first submission of information shall consist of information compiled by the agency during the period beginning January 1, 1992, and ending December 31, 2002.

SECTION 8. A local law enforcement agency shall first submit information to the governing body of each county or municipality served by the agency as required by Article 2.134, Code of Criminal Procedure, as added by this Act, on March 1, 2004. The first submission of information shall consist of information compiled by the agency during the period beginning January 1, 2003, and ending December 31, 2003.

SECTION 9. Not later than January 1, 2002:

- (1) the Commission on Law Enforcement Standards and Education shall establish an education and training program on racial profiling as required by Subsection (e), Section 1701.253, Occupations Code, as added by this Act; and
- (2) the Bill Blackwood Law Enforcement Management Institute of Texas shall establish a program on racial profiling as required by Subsection (j), Section 96.641, Education Code, as added by this Act.

SECTION 10. A person who on the effective date of this Act holds an intermediate proficiency certificate by the Commission on Law Enforcement Standards and Education or has held a peace officer license issued by the Commission on Law Enforcement Standards and Education for at least two years shall complete an education and training program on racial profiling established under Subsection (e), Section 1701.253, Occupations Code, as added by this Act, not later than September 1, 2003.

SECTION 11. An individual appointed or elected as a police chief before the effective date of this Act shall complete a program on racial profiling established under Subsection (j), Section 96.641, Education Code, as added by this Act, not later than September 1, 2003.

SECTION 12. This Act takes effect September 1, 2001.

Attachment 2 -
SPD G.O. 203 - Discipline

- A. When the complaint involves a criminal violation, the criminal statute of limitations will prevail. However, such limitations will not prevent the Chief of Police from taking disciplinary action deemed necessary to preserve the integrity of the Department.
- B. When the complainant can show good cause for not making the complaint within the specified time limit, the complaint may be accepted.
- C. When the complaint is in regards to "racial profiling", in which case the complaint may be submitted up to ninety days after the alleged incident.

IV. ANONYMOUS COMPLAINTS

Anonymous complaints shall be investigated only at the specific direction of the Chief of Police. After a preliminary investigation has been completed and a violation identified, the complaint shall be signed by the Chief of Police or his designee.

V. CATEGORIES AND LEVELS OF MISCONDUCT

For investigative purposes, the Department has established two levels of complaints against its personnel, categorized and defined as follows.

A. Level One Complaints

- 1. Crime - Complaint regarding involvement in illegal behavior, such as bribery, theft, perjury, etc.
- 2. Excessive Force - Complaint regarding the use or threatened use of force against a person.
- 3. Arrest - Complaint that the restraint of a person's liberty was improper or unjustified.
- 4. Entry - Complaint that entry into a building or upon property was improper and/or that excessive force was used against property to gain entry.
- 5. Search - Complaint that the search of a person or his property was improper, in violation of established police procedure, or unjustified.

B. Level Two Complaints

- 1. Harassment - Complaint that the taking, failing to take, or method of police action was predicated upon factors irrelevant, such as race, attire, sex, age, etc.
- 2. Demeanor - Complaint regarding an employee's bearing, gestures, language, or other actions which are offensive or of doubtful social propriety, or give the appearance of conflict of interest, misuse of authority or improper influence.

3. Serious Rule Infractions - Complaint such as disrespect toward a supervisor, sleeping on duty, neglect of duty, or malingering.
4. Minor Rule Infractions - Complaint such as tardiness, faulty driving, or failure to follow procedures.

VI. AUTHORITY AND RESPONSIBILITY

A. All Employees

1. Non-supervisory personnel shall report infractions to their supervisor or to a command level officer.
2. Each employee having knowledge of a reported incident shall submit a memorandum to his supervisor prior to the end of the duty day. Each employee participating in a complaint investigation shall submit affidavits and memoranda as required by the investigator of the complaint.

B. Supervisors

1. Supervisory and command personnel shall initiate an informal disciplinary investigation when they become aware of Level Two infractions by any member of the Department.
2. The supervisor who first becomes aware of an alleged or suspected Level Two violation shall forward a Personnel Incident Form directly to the respective Division Commander through the chain of command.
3. A supervisor who first becomes aware of an employee's involvement in a Level One incident shall inform his Division Commander. The Chief of Police shall then be notified and shall determine whether or not to relieve the accused employee from duty.

C. Professional Standards Unit

1. Members of the Professional Standards Unit shall be appointed by the Chief of Police on an as needed basis.
2. The Professional Standards Unit shall conduct an investigation at the request of any employee of the Department who justifiably feels threatened by a false accusation or contrived situation involving false evidence.
3. The Professional Standards Unit shall investigate:
 - a. All Level One complaints unless otherwise directed by the Chief of Police;

- b. All referrals from the City Manager, upon approval of the Chief of Police;
 - c. Firearms discharges as directed by the Chief of Police.
4. The Professional Standards Unit shall normally refer Level Two complaints to Departmental supervisors, via the chain of command, for investigation, but shall exercise staff supervision over these investigations.

D. Traffic Citations/Arrests

Complaints relative to differences of opinion between a police officer and a citizen over the issuance of a traffic citation, or regarding guilt or innocence subsequent to an arrest, shall not be investigated by the Professional Standards Unit, but will be properly disposed of within the judicial system. However, if a citizen can furnish sufficient evidence that a violation of law or Departmental policy has occurred, the complaint, at the discretion of the Chief of Police, may be investigated.

VII. INVESTIGATION OF EXTERNALLY ORIGINATED COMPLAINTS

- A. Citizens who telephone or appear in person and wish to make a complaint against an employee shall be referred to the on duty patrol supervisor.
- B. The supervisor shall:
 - 1. Interview the complainant in person or by telephone to obtain all pertinent information so that the complaint may be reduced to written form.
 - 2. Advise the complainant that, in order for action to be taken against an employee, the complaint must be made in writing and signed by the complainant. If the complainant desires to sign the complaint, the supervisor shall advise him to appear in person so that an affidavit can be obtained. If the complainant cannot appear in person, the complainant shall be advised to send a signed letter to the Chief of Police.
 - 3. Send the original affidavit (if obtained at the time of the initial complaint) and Personnel Incident Form, without employee response, directly to the Division Commander. No copies of the affidavit shall be forwarded to any other individual.
- C. The Division Commander shall examine the content of the complaint to determine if it meets the requirements of a complaint, i.e. alleges a violation of the law or the regulations of the Department and/or the City of Saginaw Personnel Policies Manual.

- D. The Division Commander shall assign a control number to the case and examine the allegation. (Master Control Numbers are maintained by the Chief of Police.) If the investigation is to be completed outside of the Professional Standards Unit, the investigative file shall be set up and referred to the appropriate supervisor.
- E. If the investigator is a supervisor not assigned to the Professional Standards Unit, that supervisor shall, at the conclusion of his investigation, forward the entire investigative file, together with all copies, directly to the Chief of Police. A supervisor who is not assigned to the Professional Standards Unit designated to investigate a complaint shall serve in a fact finding role only and shall include a finding as to classification, i.e. sustained, not sustained, unfounded, exonerated, etc., but shall not make a recommendation as to discipline. No copies shall be retained by or forwarded to any other individual.
- F. The accused employee may be required to report to the Professional Standards Unit at the onset of an investigation, if the Professional Standards Unit deems it necessary, and may be asked to respond orally and in writing to the complaint.

VIII. INVESTIGATION OF INTERNALLY ORIGINATED COMPLAINTS

- A. The supervisor who first becomes aware of an alleged or suspected Level One violation shall forward a detailed Personnel Incident Form directly to the Division Commander.
- B. Paragraphs C. through F. of Section VII. of this General Order shall apply.

IX. EMPLOYEE'S RIGHTS DURING INTERNAL INVESTIGATION

- A. Requirement to Answer Questions
 - 1. An employee shall be required to answer questions relating to his duties and can be formally disciplined for refusal to answer such questions. (Refer to **Garrity v. New Jersey, 385 U.S. 493 and Gardner v. Broderick, 392 U.S. 273.**)
 - 2. Any such required statements could be used against the employee in a disciplinary action or civil proceeding. The statements would not be admissible in subsequent criminal action.
- B. Counsel's Presence During Interview
 - 1. The accused employee will not be permitted to have counsel present during an interview concerning an internal investigation. The Fifth Amendment right to counsel does not apply to administrative matters. (Refer to **Garrity v. New Jersey, 385 U.S. 493 and Gardner v. Broderick, 392 U.S. 273.**)

2. An accused employee is not required to receive the Miranda warning during an internal investigation. The employee shall be directed to read and sign the Internal Investigation (Garrity) Warning and shall be provided with a copy.

C. Search of Equipment

1. Any supervisor may, at the direction of the Chief of Police, conduct reasonable searches of departmental equipment (lockers, desks, vehicles, etc.) and facilities, without notice or the procurement of a search warrant, for the purpose of securing evidence to be used in an administrative disciplinary action.
2. Searches initiated for the purpose of securing evidence to be used in a criminal investigation require the procurement of a search warrant.

D. Special Examinations

1. The Professional Standards Unit, with the approval of the Chief of Police, may require an accused employee to submit to a behavioral cause investigation, blood test or polygraph examination where there is reasonable cause to believe that such tests will provide necessary evidence to sustain or refute the complaint. The results of such tests will be limited to administrative use, except as provided by law. The refusal to take any ordered test may subject the employee to formal disciplinary action up to and including discharge for refusal to obey a lawful order (insubordination).
2. An accused employee may submit a written request to undergo such tests if he believes it would be beneficial to his defense. The Chief of Police may permit or deny the request at his discretion.

E. Polygraph Examination

1. In some cases, a complainant will undergo a polygraph test to substantiate allegations made against an employee in an affidavit. When the test reveals that the complainant is truthful in his allegations, the accused employee may be ordered to submit to a polygraph test.
2. Should the accused refuse to take the test after being ordered by the Chief of Police, the accused may be subject to formal disciplinary action up to and including discharge for refusal to obey a lawful order (insubordination). (Refer to **Texas Government Code, Section 614.063**)

X. COMPLETION OF COMPLAINT INVESTIGATION

- A. Upon conclusion of an investigation, the complaint will be classified as one of the following:

1. **Unfounded** - Allegation is false or not factual.
 2. **Exonerated** - Incident complained of did occur but was lawful and proper.
 3. **Not sustained** - Insufficient evidence either to prove or disprove the allegation.
 4. **Sustained** - Allegation is supported by sufficient evidence.
 5. **Violation Not Related** to initial complaint.
- B. Upon completion of the investigation, the Professional Standards Unit shall forward the file to the Chief of Police for his review.
- C. The Chief of Police or the Professional Standards Unit shall notify the complainant and the accused employee of the final disposition except when a pending criminal case might be compromised by disclosure of this information.
- D. Regardless of disposition, all complaints investigated shall be submitted by the Professional Standards Unit to the Chief of Police for review. The Chief of Police may forward the investigation to the appropriate Division Commander so that preventive measures can be taken to avoid similar complaints in the future.

XI. CONFIDENTIALITY OF INVESTIGATIONS

- A. All complaint investigations shall be considered confidential and, except as provided below, no portion of the investigation may be reproduced without the authority of the Chief of Police.
- B. Any employee or external complainant, upon written request, shall be provided with a copy of his own work product. All copies, when the original has become part of the investigative file, must be stamped as "Confidential" and may only be issued by the Professional Standards Unit.
- C. Investigative reports shall not be released to any person except those that are required by law under the Public Information Act or that are authorized by the employee, and then only upon written request.
- D. Information that is typically considered public information includes:
1. Name of the complainant;
 2. Name(s) of the employee(s) complained of;
 3. Brief synopsis of the complaint including date, time and location;
 4. Disposition of the complaint including disciplinary action, if any.

- E. The Professional Standards Unit must respond to any subpoena for records; however, it is the policy of the Department to review all such subpoenas to determine if a contest should be filed. If a court orders production of the records, the order shall be complied with after consultation with the City Attorney's Office.

XII. TYPES OF CORRECTIVE AND DISCIPLINARY ACTIONS

- A. All disciplinary action will be based on substantial evidence. "Proof beyond a reasonable doubt" or "a preponderance of the evidence" is not required. (Refer to **Edmonds v. McNeal, 596 S.W. 2d 403.**)
1. Substantial evidence is defined as such evidence that a reasonable person might accept in support of a conclusion. It is that degree of evidence necessary for a court to affirm a decision of an administrative board.
 2. Proof beyond a reasonable doubt is defined as such proof as precludes every reasonable hypothesis except that which tends to support and which is wholly consistent with the defendant's guilt and inconsistent with any other rational conclusion.
 3. Preponderance of evidence is defined as evidence that is of greater weight or more convincing than the evidence that is offered in opposition to it.
- B. Informal Corrective Action - Applies to Level Two infractions only, and a formal investigation, while appropriate in some instances, is not required in every case. These actions merely inform and warn the employee of unacceptable performance or behavior to allow for corrective measures. These actions may be initiated by a supervisor. These actions are not punitive and no loss of status or benefit is attached. (Further, these actions are not subject to appeal.)
1. Verbal Warning - The purpose of a verbal warning is to allow a supervisor to bring to the employee's attention the need to improve his work performance, work habits, behavior or attitude, and to serve as a warning against further unsatisfactory conduct. The supervisor shall utilize the occasion to identify and define the area needing improvement and inform the employee as to how such improvement can be realistically achieved. The supervisor shall document the verbal warning on an Employee Acknowledgement of Verbal Reprimand and forward same to the Chief of Police, through the chain of command, for placement in the employee's personnel file.
 2. Saginaw Police Department Personnel Incident Form: The Personnel Incident Form shall be discussed with the employee as soon as possible after it is completed by the supervisor. The employee's signature is requested merely to acknowledge that it

has been discussed with him and does not indicate the employee's agreement with the information contained on the form. PIF's shall be forwarded to the Chief of Police, through the chain of command, with each supervisor making comment as to what action has been, or should be, taken.

C. Formal Disciplinary Action - The following types of disciplinary action may be assessed only by the Chief of Police. However, the Chief of Police, in some cases, may choose only to issue a verbal warning:

1. Written Reprimand;
2. Suspension;
3. Demotion;
4. Dismissal.

Disciplinary action involving the potential for monetary loss by the employee, including suspension, demotion and discharge, shall only be assessed subsequent to a formal internal investigation.

The Chief of Police may solicit recommendations for disciplinary action from supervisory or command personnel, as he deems necessary.

D. Pre-Disciplinary Hearings

1. Prior to the recommended discharge or suspension of an employee, the Chief of Police shall schedule a hearing with the employee to allow the employee an opportunity to present evidence that may be pertinent to the consideration of disciplinary action in the case. The employee shall be provided with written notice of the hearing at least forty-eight hours in advance of the hearing. The notice shall come from the Chief of Police or his designee.
2. An employee shall not be permitted to have counsel present during a pre-disciplinary hearing.
3. In addition to the rights described herein, all employees of the Department shall retain all of the rights set forth in the City of Saginaw Personnel Policies Manual.

XIII. SPECIAL PROCEDURES

A. Complaints Involving Alleged Criminal Violations

1. Normally, all criminal investigations shall be conducted by personnel of the Criminal Investigations Division. A criminal investigation may be conducted by the Professional Standards Unit at the direction of the Chief of Police.

2. When an employee is apprehended while committing a criminal act, he shall be taken before the on-duty supervisor who shall immediately notify the employee's Division Commander. The Division Commander shall notify the Chief of Police. Except under extreme circumstances justifying an immediate arrest (D.W.I., fleeing, etc.), the Chief of Police will decide if the employee should be arrested immediately or if legal action should be delayed pending further investigation.
 3. Any time that Department personnel investigate allegations of criminal conduct by an employee of the same Division, other than a cursory or preliminary investigation, the Division Commander of the accused employee shall not view the file containing the internal investigation nor shall he make any recommendations concerning disciplinary action. The Division Commander of the other Division, along with a person of supervisory rank or above, as directed by the Chief of Police, shall provide recommendations for discipline.
 4. Any time that an employee of the Department learns that a law enforcement agency other than the Saginaw Police Department has arrested or has issued an arrest warrant for an employee of the Saginaw Police Department, the employee shall immediately report the information concerning the arrest and/or the warrant to the Chief of Police by memorandum through the chain of command.
- B. When the investigation of an accident involving a departmental vehicle reveals misconduct, the act shall be investigated in accordance with this order.
- C. Emergency Relief from Duty, Suspension, or Discharge
1. Any Division Commander, or designee has the authority to impose emergency relief from duty for an employee until the next business day when it appears that such action is in the best interest of the Department. Whenever an employee is relieved from duty, the Chief of Police shall be immediately notified.
 2. Only the Chief of Police has the authority to place an employee on administrative leave. Whenever this occurs, the employee shall be reassigned to the Professional Standards Unit pending the outcome of the internal investigation.
 3. When an employee is suspended or relieved from duty, his supervisor shall collect the employee's badge(s), police identification card(s), and any departmentally issued ammunition and/or firearms. When an employee is discharged, the supervisor shall ensure that all city-issued property and equipment used by the employee is turned in. In either case, the supervisor shall forward,

through the chain of command, a written report detailing the items that he has collected.

XIV. APPEALS AND GRIEVANCES

Appeals and grievances may be filed by any employee in accordance with Chapter 7, Section 10 of the City of Saginaw Personnel Policies Manual.

XV. BEHAVIORAL CAUSE INVESTIGATION

A. Definition: Behavioral Cause Investigation shall be defined as an investigation to determine an employee's fitness for duty when the employee exhibits unusual or abnormal behavior indicating that the employee may not be fit for duty.

B. Authority and Responsibility

1. The Chief of Police may order a behavioral cause investigation to be initiated whenever he feels it is in the best interest of the employee and/or the Department.
2. The employee's Division Commander may recommend to the Chief of Police a behavioral cause investigation based upon the nature of the complaint and/or the accused employee's disciplinary record.
3. Any employee who is the subject of a behavioral cause investigation will be referred to a psychologist that the Department deems qualified.

C. Who May Undergo a Behavioral Cause Investigation

1. Employees who receive complaints which are sustained and/or who receive repeated complaints of a similar nature.
2. Employees who exhibit behavior which, as construed by a reasonable and prudent person, may be indicative of emotional stress.
3. Employees who request such investigation and have such request approved by the Chief of Police.

D. Self-Injection Into A Behavioral Cause Investigation

1. If an employee feels that he has an emotional or stress related problem that has resulted in a complaint, he may request a behavioral cause investigation by contacting the Professional Standards Unit.
2. The purpose of self-injection into a behavioral cause investigation is to identify the cause of the improper behavior on the part of the

employee and to provide him with professional assistance in redirecting or changing his behavior.

3. The final diagnostic evaluation will be presented to the Chief of Police by the Professional Standards Unit for consideration in determining what disciplinary or other action, if any, is to be taken as a result of the original complaint.

E. Interview with Psychologist

All employees entering a behavioral cause investigation shall be interviewed by a Ph.D. psychologist licensed to practice in Texas, who may have the biographical and Departmental history of the employee plus any profile resulting from the applicant-level psychometric testing. Any information obtained by the psychologist which does not relate to the specific incident or problem under investigation will be considered a privileged communication and shall not be entered into any Departmental file or history on the employee.

F. Handling of Mentally Disturbed Employees

1. When a supervisor becomes aware that an employee has reported for duty exhibiting, or while on duty exhibits, what is construed by a reasonable and prudent person to be abnormal behavior, the employee shall be removed from any assignment which necessitates contact with the public. If necessary, the employee may be temporarily relieved of duty by his Division Commander and may be placed on special assignment. The employee's Division Commander shall notify the Chief of Police as soon as practical.
2. When a supervisor becomes aware of a suspected behavioral problem and/or any of the administrative actions have taken place as described in Section XV. Paragraph F.1., he shall submit a special report to the Division Commander, who shall present the report to the Chief of Police for his consideration.

Attachment 3 -
SPD G.O. 305 – Mobile Video Ops.

IV. PROCEDURES

A. Program Objectives

The Saginaw Police Department has adopted the use of MVS in order to accomplish several objectives, including:

1. The accurate documentation of events, actions, conditions and statements made, during arrests and critical incidents, so as to enhance officer reports, the collection of evidence, and testimony in court; and
2. The enhancement of the Department's ability to review probable cause for arrest, arrest procedures, officer and suspect interaction, and evidence for investigative purposes, as well as for officer training.

B. Operating Procedures

Officers shall adhere to the following procedures when using MVS equipment:

1. MVS equipment installed in a vehicle is the responsibility of the officer assigned to that vehicle and will be maintained according to the manufacturer's recommendations;
2. Prior to each shift officers shall determine whether their MVS equipment is working satisfactorily, and that the correct date, time and unit number are displayed on the monitor. Officers **shall** immediately bring any problems discovered, at this or any other time, to the attention of their immediate supervisor. Officers shall never attempt any repair of the MVS equipment that would require going into the internal parts of the unit. Day shift supervisors shall ensure that the recording devices are cleaned with a departmentally approved head cleaner on the first day of their shift;
3. Prior to each shift officers **shall** ensure they have an adequate supply of videotape and batteries (for the wireless microphone) to complete their tour of duty;
4. Officers **shall** activate the MVS anytime their vehicle's emergency equipment is activated. The MVS may be deactivated during non-enforcement activities, such as when protecting accident scenes from other vehicular traffic.
5. Officers shall ensure that MVS equipment is operating, in order to record traffic stops or other enforcement actions. Basic guidelines for doing so include:

- a. The suspect's vehicle should be stopped in a location that is as safe as possible for both the suspect and the officer. The officer's vehicle should be approximately two car lengths behind the suspect's vehicle in order to create a proper arena of performance. If two car lengths are not possible, the officer should adjust the camera angle before leaving the patrol vehicle in order to ensure a safe and effective arena of performance (field of view) to record events.
 - b. Optimum lighting at night is low-beam headlights and takedown lights. High-beam headlights and spotlights should only be used when needed for officer safety. Wigwag headlights should never be used during mobile videotaping. When possible, front strobe overheads should be turned off during field sobriety testing, leaving the rear strobes activated for suspect and officer safety.
 - c. The MVS shall not be deactivated until the enforcement action is completed. If an arrest is made, the MVS shall be kept running through the entire arrest and transportation of the suspect. After a suspect is arrested and placed in the patrol car, the camera shall be pointed at the arrested person to record his/her actions. The in-car microphone should also be activated to record the arrested person's comments.
 - d. The wireless microphone shall be activated, in order to provide narration with the video recording, to explain the reason for the current or planned enforcement action.
6. Where possible, officers shall also use the MVS equipment to record:
- a. Initial probable cause indicators. When an officer observes an indicator of bad driving and the officer has made the decision to start an investigation of the violator, the officer shall turn on the MVS and articulate the initial traffic violation observed, thus starting the process of building reasonable suspicion. This articulation shall continue through the entire mobile videotaping process, verbalizing for the videotape additional traffic violations or instances of bad driving as they occur. Traffic stops shall be conducted as soon as possible after reasonable suspicion or probable cause has been established.
 - b. The suspect's actions during interviews, when undergoing field sobriety testing, when placed into custody and during searches.

- c. Circumstances at crime and accident scenes or other events, such as documentation and confiscation of evidence or contraband.
7. Officers shall not erase, reuse, or in any manner alter tapes, except as directed by policy.
8. Officers are encouraged to inform their supervisors of any videotaped sequences that may be of value for training purposes.
9. Officers will note in incident, offense, arrest, or other related reports when video/audio recordings were made, during the incident being reported.
10. Those tapes containing recordings that may be of special evidentiary value will be immediately pulled from circulation and handled per departmental guidelines dealing with evidentiary videotapes.
11. Officers shall only use tapes as issued and approved by the department.
12. In the event of a pursuit, the on-duty supervisor will be responsible for submitting the original tapes from all cars involved with the Pursuit Summary Form through the chain of command.
13. In the event there is a use of force recorded on the MVS, the on-duty supervisor will be responsible for submitting the original tapes from all cars involved with the Use of Force Report Form through the chain of command.

C. Tape Control and Management

1. MVS tapes containing information that may be of value for case prosecution (i.e. Section IV B. 10. of this policy) shall be safeguarded as any other form of evidence. As such, these tapes will:
 - a. Be subject to the same security restrictions and chain of evidence safeguards as detailed in this department's evidence control policy;
 - b. Not be released to another criminal justice agency for trial or other reasons, without having a duplicate copy made and returned to safe storage, and
 - c. Be viewed, copied or released only in furtherance of bona fide department purposes and in accordance with the Department's records release policy.

2. Tapes not scheduled for court proceedings or other departmental uses shall be maintained for a minimum of 90 days. All tapes shall be maintained in a manner that allows efficient identification and retrieval.
3. Tapes that are removed from circulation, as described in IV, B. 10., will be logged by:
 - a. Unit Number;
 - b. Tape Number;
 - c. Date Entered;
 - d. Entered By; and
 - e. Reason for Entering in Evidence.
4. No videotapes shall be reissued for operational use, unless completely erased by designated personnel pursuant to published guidelines.

D. Supervisory Responsibilities

Patrol supervisors will ensure that:

1. All officers follow established procedures for the use and maintenance of MVS equipment, handling of video/audio recordings and the completion of MVS documentation;
2. They randomly review videotapes and recordings to determine whether MVS equipment is being fully and properly used and to identify material that may be appropriate for training. This should be routinely done at least twice a month.
3. Repair and replacement of damaged or non-functional MVS equipment is performed as soon as possible.
4. The keys to the recorder vault are kept secure and made available to officers when a tape needs to be removed.

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Attachment 4 -
SPD G.O. 308 – Racial Profiling

**SAGINAW POLICE DEPARTMENT
GENERAL ORDERS MANUAL**

Section: 308	Issue Date: 12/01/2001	Effective Date: 01/01/2002
Subject: RACIAL PROFILING		
Amends/Rescinds:	Approved:	
	Chief of Police	

NOTE: This General Order is for internal use only, and does not enhance an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to criminal proceeding or third party claims. Violations of this General Order, if proven, can only form the basis of a complaint by this department and only in an administrative and employment setting. This General Order does not, in any way, alter the "At Will" status employment policies of the City of Saginaw or this Department.

I. PURPOSE AND POLICY

The purpose of this order is to reaffirm the Saginaw Police Department's commitment to unbiased policing in all its encounters with any person; to reinforce procedures that serve to ensure public confidence and mutual trust through the provision of services in a fair and equitable fashion; and to protect our officers from unwarranted accusations of misconduct when they act within the dictates of departmental policy and the law.

It is the policy of this department to police in a proactive manner and to aggressively investigate suspected violations of the law. Officers shall actively enforce local, state and federal laws in a responsible and professional manner, without regard to race, ethnicity or national origin. Officers are strictly prohibited from engaging in racial profiling as defined in this policy. Racial profiling is an unacceptable patrol tactic and will not be condoned.

This General Order is adopted in compliance with the requirements of **Articles 2.131 through 2.136, Texas Code of Criminal Procedure**, which prohibits Texas peace officers from engaging in racial profiling.

II. DEFINITIONS

- A. Racial Profiling - A law enforcement-initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity. Racial profiling pertains to persons who are viewed as suspects or potential suspects of criminal behavior.

The term racial profiling is not relevant as it pertains to witnesses, complainants, persons needing assistance, or other citizen contacts.

- B. Race or Ethnicity - Of a particular descent, including Caucasian, African, Hispanic, Asian, or Native American descent.
- C. Acts Constituting Racial Profiling - Acts initiating law enforcement action, such as a traffic stop, a detention, a search, issuance of a citation, or an arrest based solely upon an individual's race, ethnicity, or national origin or on the basis of racial or ethnic stereotypes, rather than upon the individual's behavior, information identifying the individual as having possibly engaged in criminal activity, or other lawful reasons for the law enforcement action.
- D. Pedestrian Stop - An interaction between a peace officer and an individual who is being detained for the purposes of a criminal investigation in which the individual is not under arrest.
- E. Traffic Stop - The stopping of a motor vehicle by a peace officer for an alleged violation of law or ordinance regulating traffic.

III. PROHIBITION

Officers of the Saginaw Police Department are strictly prohibited from engaging in racial profiling. The prohibition against racial profiling does not preclude the use of race, ethnicity or national origin as factors in a detention decision by an officer. Race, ethnicity or national origin may be legitimate factors in such a decision when used as part of a description of a suspect or witness for whom an officer is searching.

IV. COMPLAINT PROCESS

- A. No person shall be discouraged, intimidated or coerced from filing a complaint, or be discriminated against because they have filed a complaint.
- B. Any person who believes that a peace officer employed by the Saginaw Police Department has engaged in racial profiling with respect to that person, may file a complaint in accordance with the provisions of General Order 203, Discipline.
 - 1. An employee who is contacted regarding a complaint against an officer shall follow the procedures set forth in General Order 203, Section VII. Investigation of Externally Originated Complaints.
 - 2. Citizens who appear in person wishing to file a complaint shall be provided with a departmental brochure, "*Commendations and Complaints Regarding Saginaw Employees*." Brochures are available at the Saginaw Police Department.

- C. Any supervisor who becomes aware of an alleged or suspected violation of this General Order shall report the alleged violation in accordance with General Order 203, Discipline, Section VIII. Investigation of Internally Originated Complaints.
- D. Complaints of racial profiling shall be classified as a Level One complaint, and shall be investigated by the Professional Standards Unit, unless otherwise directed by the Chief of Police.

V. DISCIPLINARY AND CORRECTIVE ACTIONS

Any department officer who is found, after investigation, to have engaged in racial profiling in violation of this General Order may be subject to disciplinary action, up to and including termination. Disciplinary or corrective actions may include diversity, sensitivity or other appropriate training or counseling, as determined by the Chief of Police.

VI. PUBLIC EDUCATION

The Saginaw Police Department shall provide education to the public concerning the racial profiling complaint process. The primary method of public education shall be through a brochure, "*Commendations and Complaints Regarding Saginaw Police Employees*", which is available in the lobby of the Saginaw Police Department. Other educational methods may be used to inform the public, including news media, civic presentations, Saginaw local access television, the Internet (via the City of Saginaw website), and/or public meetings.

VII. COLLECTION AND REPORTING INFORMATION GATHERED FROM CITATIONS, TRAFFIC AND PEDESTRIAN STOPS

- A. All officers who stop any motor vehicle for an alleged violation of a law or ordinance regulating traffic, or who stop a pedestrian for any suspected offense, shall record and report the following information on the Department's "Citizen Contact Report" (refer to **Texas Code of Criminal Procedure, Article 2.133**):
 - 1. A physical description of each person detained as a result of the stop, including:
 - a. The person's gender;
 - b. The person's race or ethnicity, as stated by the person or, if the person does not state his/her race or ethnicity, as determined by the officer to the best of his/her ability.
 - 2. The street address or approximate location of the stop. The suspected offense or the traffic law or ordinance alleged to have been violated.

3. Whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search.
 4. Whether probable cause to search existed and, if so, the fact(s) supporting the existence of that probable cause.
 5. Whether any contraband was discovered in the course of the search and, if so, the type of contraband discovered.
 6. Whether the officer made an arrest as a result of the stop and/or search, and, if so, a statement of the offense charged.
 7. Whether the officer issued a warning or a citation as a result of the stop and, if so, a statement of the offense charged.
- B. Citizen Contact Reports shall be forwarded to the on-duty supervisor prior to the end of shift. The supervisor is responsible for ensuring correctness of each form, then shall initial and place his/her ID number on the form. The completed form shall be forwarded to the Records Unit for entry into a database for compilation and analysis.
- C. The Department shall compile and analyze the information contained in the Citizen Contact Reports. Not later than March 1st of each year, the Department shall submit a report to the City Council containing information compiled during the preceding calendar year. (Refer to **Texas Code of Criminal Procedure Article, 2.134.**) This report will include:
1. A comparative analysis of the information contained in the individual reports in order to:
 - a. Determine the prevalence of racial profiling by officers in this department; and
 - b. Examine the disposition of traffic and pedestrian stops made by this department's officers, including searches resulting from stops.
 2. Information relating to each complaint filed with this department alleging racial profiling.

This report to Council will not include identifying information about a peace officer who makes a stop or about an individual who is stopped or arrested by a peace officer.

VIII. AUDIO AND VIDEO EQUIPMENT

- A. Each motor vehicle, except motorcycles, regularly used by this department to make traffic and pedestrian stops is equipped with a mobile video camera system capable of recording video and audio.

- B. Each traffic and pedestrian stop made by an officer of this department that is capable of being recorded by video and audio and shall be recorded. In units equipped with mobile video camera systems, both video and audio recordings shall be required.
- C. Supervisors and Officers shall ensure that mobile video camera equipment, and/or audio equipment, is properly functioning prior to commencing their tour of duty. Cameras that are not functioning properly will be reported to the Commander of the Operations Division for repair.

IX. REVIEW OF VIDEO AND AUDIO DOCUMENTATION

- A. Each audio and video recording shall be retained for a minimum period of ninety (90) days, unless a complaint is filed alleging that an officer has engaged in racial profiling with respect to a traffic or pedestrian stop. The Commander of the Operations Division shall ensure that all audio and videotapes are properly stored and retained in accordance with applicable laws and this General Order.
- B. If a complaint is received alleging that an officer has engaged in racial profiling, the tape shall be forwarded to the Commander of the Operations Division. The Commander of the Operations Division shall retain the tape until final disposition of the complaint has been made.
- C. The Commander of the Operations Division, or his designee, shall periodically (at least weekly) conduct reviews of a randomly selected sampling of video and audio recordings made recently by officers employed by the Department, in order to determine if patterns of racial profiling exist. All reviews shall be documented in writing, using the Department's "Video/Audio Tape Audit Report".
 - 1. Written documentation shall include:
 - a. the names of the officers who were reviewed,
 - b. the dates of the reviewed tapes,
 - c. the date the actual review was conducted, and
 - d. the name of the person conducting the review.
 - 2. The Commander of the Operations Division shall forward the required documentation to the Chief of Police.
 - 3. The Chief of Police shall maintain a file of all tape review documentation performed in compliance with this General Order.

- D. In reviewing audio and video recordings, the Operations Division Commander, or his designee, shall seek to determine if the officer who is involved therein has engaged in a pattern of racial profiling that includes multiple acts constituting racial profiling for which there is no reasonable, credible explanation based on established police and law enforcement procedures.

X. TRAINING

- A. Each peace officer employed by the department shall complete the comprehensive education and training program on racial profiling established by the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) not later than the second anniversary of the date the officer was licensed, or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier. A person who on September 1, 2001, held a TCLEOSE intermediate proficiency certificate, or who had held a peace officer license issued by TCLEOSE for at least two years, shall complete a TCLEOSE training and education program on racial profiling not later than September 1, 2003.
- B. The Chief of Police shall, in completing the training required by Section 96.641, Texas Education Code, complete the program on racial profiling established by the Bill Blackwood Law Enforcement Management Institute of Texas (LEMIT), not later than September 1, 2003.

Attachment 5 -
TCLEOSE Policy Approval



TEXAS COMMISSION ON LAW ENFORCEMENT

D.C. Jim Dozier, J.D., Ph.D.
Executive Director

June 21, 2002

Dear Law Enforcement Administrator:

I am pleased to inform you that the initial review of racial profiling policies required by Senate Bill 1074 is complete. The review was conducted based on the Commission's understanding of the key elements of the law. These key elements are: a definition and prohibition of racial profiling; a public education program; complaint process and means for corrective action; data collection with an annual report; and a video/audio policy.

Based on the Commission's understanding of the statute, the review demonstrates that your policy is in compliance with the statute. I appreciate your cooperation, your assistance and your continued efforts to serve the public safety needs of the citizens of the State of Texas.

Sincerely,

A handwritten signature in black ink that reads "D.C. Jim Dozier". The signature is fluid and cursive, with a long horizontal stroke at the end.

D.C. Jim Dozier, J.D., Ph.D.
Executive Director

Attachment 6 -
SPD Commendation Brochure

How to Contact Us

Saginaw Police Department
404 S. Saginaw Blvd.
Saginaw, TX 76179
(817) 232-0311

Chief of Police

Roger Macon
Extension 1512
rmacon@ci.saginaw.tx.us

Services Commander

Capt. Nancy Wright
Extension 1514
nwright@ci.saginaw.tx.us

Operations Commander

Capt. Mike Hughes
Extension 1515
mhughes@ci.saginaw.tx.us

Criminal Investigations

Capt. Nancy Wright
Extension 1514
nwright@ci.saginaw.tx.us

Communications

Ms. Karen Saldana
Extension 1517
ksaldana@ci.saginaw.tx.us

Saginaw Police Department
404 S. Saginaw Blvd.
Saginaw, TX 76179

Commendations and Complaints



Regarding
Saginaw
Police Employees

The Saginaw Police Department is dedicated to providing the best police service possible to all citizens. Employees are carefully selected and trained to provide this service to our community. This brochure provides an overview of the ways to commend exemplary performance or file a complaint against a Police Department employee.

COMPLAINTS

► How to make a complaint.

Citizens wishing to file a complaint against any Saginaw Police Department employee may contact any on-duty supervisor at the police station, located at 404 S. Saginaw Blvd. The supervisor will take your statement, and forward it as prescribed by Department policy. Texas law requires that complaints against police officers be in writing, and signed by the person making the complaint. Complaints must be made within 30 days of the incident (90 days when Racial Profiling is alleged), unless special circumstances exist. The person who was wronged must give a written statement; other persons may give statements as witnesses.

► False Complaints.

Filing a false complaint against a police employee is a violation of the Texas Penal Code, Section 37.02. If person knowingly and intentionally makes a false statement under oath, or swears to the truth of a false statement previously made under oath, a person may be found guilty and punished by a fine up to \$4,000, confinement in jail for up to one year, or by both fine and imprisonment.

► What happens when a complaint is upheld?

When an investigation finds the charges against a police employee are true, the employee is notified and one of the following can occur:

- (1) A verbal warning may be issued;
- (2) A written reprimand may be issued;
- (3) A suspension may be issued;
- (4) A demotion may be issued; or
- (5) The employee may be discharged.

Employees may appeal the Department's decision to uphold the complaint, as well as any disciplinary action taken.

► What happens when a complaint is not upheld?

Complaints must be supported by sufficient evidence. When the investigation cannot find the degree of evidence necessary to prove the employee acted improperly, the employee and citizen are both notified in writing.

► What if you are not satisfied with the outcome of the investigation?

You may appeal the findings of an Internal Affairs or supervisory investigation to the Chief of Police or the City Manager.

COMMENDATIONS

► How to commend a Police Department employee:

- Write a letter to the employee's supervisor, Captain, or the Chief of Police at the address listed on this brochure.

Commendations are logged and placed in the employee's permanent personnel file.

- Call the Police Department at (817) 232-0311 and ask to speak with the employee's supervisor.
- If you are unsure of the employee's name, describe the employee and list the specific actions or demeanor that impressed you. Mention the location, date, and time the incident occurred.
- Contact the Chief of Police by sending an e-mail to the address listed on this brochure.

**THANK YOU FOR YOUR COMMENTS
ABOUT THE SAGINAW POLICE
DEPARTMENT.**

Attachment 7 -
Sample Citizen Contact Form

Saginaw Police Department Citizen Contact Report

Please Print All Information

OCA	Call for Service Number	Date	Time	Location of Stop		
	Initiating Officer	ID #	Race	Sex		
Citizen Info	Subject Name	D.O.B.	Race	Sex	D.L. Number	State
	Home Street Address	City		State		
Veh.	Vehicle Year	Vehicle Make	Veh. Model	Color	Tag State	Tag Number
						Tag Year

Stop and Search Information	Reason for Stop: <i>(check one only)</i>					
	<input type="checkbox"/> Equipment Violation <input type="checkbox"/> Expired Inspection <input type="checkbox"/> Expired Registration <input type="checkbox"/> Moving Violation (Speeding, etc.)		<input type="checkbox"/> Curfew Ordinance Violation <input type="checkbox"/> Other Ordinance Violation <input type="checkbox"/> Other Violation (list below)		<input type="checkbox"/> BOLO Information (issued by)	
	Search Information: <i>(check all that apply)</i>					
	Search Conducted: <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> Driver <input type="checkbox"/> Vehicle <input type="checkbox"/> Passenger(s) Duration of search(es) _____ <div style="text-align: center;"><i>(In minutes)</i></div>		Reason for Search: <input type="checkbox"/> Search Made With Consent <input type="checkbox"/> Incident to Arrest <input type="checkbox"/> Inventory <input type="checkbox"/> Probable Cause <input type="checkbox"/> Other (list below)		Items Found in Search: <input type="checkbox"/> Criminal Instruments <input type="checkbox"/> Fruits of Crime <input type="checkbox"/> Drugs/Paraphernalia <input type="checkbox"/> Weapons <input type="checkbox"/> Other (list below)	
	Disposition of Stop: <i>(check all that apply)</i>			List of Charges Resulting from Stop:		
	<input type="checkbox"/> Citation(s) Issued Cite No: _____ <input type="checkbox"/> Warning <input type="checkbox"/> Arrest # of Citations _____ <input type="checkbox"/> Vehicle Towed Case No <i>(if applicable)</i> : _____			_____ _____ _____ _____		
Officer Comments: <i>(Use this space to include information not listed above.)</i>						
_____ _____ _____ _____ _____						

Initiating Employee Initials and ID Number	Date and Time
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Reviewed By: <i>(Supervisor's ID #)</i>	<input type="checkbox"/> Entered Into Database
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