

Jonathan Shoemaker
 Falls County Precinct 1 Constable's Office
 P.O. BOX 458
 125 Bridge
 Marlin, Texas 76661
 254-230-2551
 constables Shoemaker51@yahoo.com

2012 Racial Profiling Report

RACE	CONTACTS	SEARCHES	CONSENT	PLAIN SIGHT	PROB CAUSE	INVENTORY	INCIDENT TO ARREST	ARRESTED
African	42.6% 41%	10/24.3%	5/50%	0/0%	0/0%	4/40%	1/10%	7/17/0%
Asian	0/0%	0/0%	0/0%	0/0%	0/0%	0/0%	0/0%	0/0%
Caucasian	33/38.4%	5/15.1%	0/0%	2/40%	0/0%	3/60%	0/0%	2/6%
Hispanic	12/38.9%	2/16.6%	1/50%	1/50%	0/0%	0/0%	0/0%	0/0%
Middle East.	0/0%	0/0%	0/0%	0/0%	0/0%	0/0%	0/0%	0/0%
Native Amer.	0/0%	0/0%	0/0%	0/0%	0/0%	0/0%	0/0%	0/0%
TOTAL	86=100%	by race	by race	by race	by race	by race	by race	by race

RACE	MALE	FEMALE	CITATION	WARNING	Race Known	Race Unknown	Contraband located	not located
African	23/56%	18/43.9%	17/41.4%	24/58.5%	6/14.6%	35/85.3%	3/30%	7/70%
Asian	0/0%	0/0%	0/0%	0/0%	0/0%	0/0%	0/0	0/0%
Caucasian	2/63.6%	12/36.6%	10/30.3%	23/69.6%	6/18.1%	27/81.8%	3/50%	2/40%
Hispanic	3/25%	9/75%	5/41.6%	7/58.3%	0/0%	12/100%	0/0%	0/0%
Middle East.	0/0%	0/0%	0/0%	0/0%	0/0%	0/0%	0/0%	0/0%
Native Amer.	0/0%	0/0%	0/0%	0/0%	0/0%	0/0%	0/0%	0/0%
TOTAL	by race	by race	by race	by race	by race	by race	8/47%	9/52.9%

Citation Warnings
 32/37.2% 54/62.7%

The Precinct 1 Constable's Office provides education of the department's racial profiling in the following manners:

1. The racial profiling policy is displayed on the county bulletin board located on the second floor of the Falls County Courthouse.
2. The racial profiling policy is displayed on the wall inside the Precinct 1 Constable's Office.
3. The racial profiling policy is attached to the current racial profiling report and submitted to the commissioners yearly.

In the year of 2012, the Precinct 1 Constable's Office has not received any known racial profiling complaints.

Racial Profiling Policy

FALLS COUNTY CONSTABLE PRECINCT 1 RACIAL PROFILING POLICY

(1) PURPOSE

The purpose of the policy is to reaffirm the Falls County Constable Precinct 1 Constable's Office is commitment to unbiased policing in all its encounters between officer and any person; to reinforce procedures that serve to ensure public confidence and mutual trust through the provision of service in a fair and equitable fashion; and protect our officers from unwarranted accusations of misconduct when they act within the dictates of departmental policy and law.

II POLICY

It is the policy of this department to police in a proactive manner and, to aggressively investigate suspected violations of law. Officers shall actively enforce 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. This policy shall be applicable to all person, weather drivers, passengers or pedestrians.

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

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

The prohibition against racial profiling does not preclude the use of race, ethnicity or national origin as a factor in detention decision by a police officer. Race ethnicity or national origin may be legitimate factors in such a detention when used in part as a description of criminal suspect or witness for whom a police officer is searching. Officers will not discriminate against any person based upon race, creed, color, age, gender, religion, national origin, physical impairment or sexual orientation, in the performance of their official law enforcement duties.

1. Police practices, such as racial profiling, are unlawful. Officers practicing racial profiling are guilty of discrimination by Race, which is a violation of state/ federal laws.
2. Acts constituting racial profiling may include: a police officer in pre-textual traffic stop of minorities, with the intent of searching the driver and occupants for contraband, such as drugs; or stopping a young black male who is observed in a predominantly white neighborhood.
3. Officers should focus their enforcement or investigative efforts upon criminal behavior or conduct, not one's race or gender. However, it is not illegal to use race as descriptive information, such as a robbery suspect description- young Black males, 6'9", 200 lbs, wearing a red jacket and silver Dallas - Cowboy baseball cap.

Complaint Process:

1. Any person who believes that a peace officer employed by the Falls County Constable Precinct 1 Constable's Office in bias or racial profiling may file a complaint with the Constable. No person shall be discouraged, intimidated or coerced from filing such a complaint or discriminated against because they filed such a

complaint.

2. The Falls County Constable Precinct 1 Constable's Office shall accept and investigate citizen complaints alleging bias- based or racial profiling by its peace officers in the same consistence manner as other citizens complaints of police misconduct. Such complaints shall be in writing, including the identity or description of the peace officer, dates, times, place and entails of the alleged incident of racial profiling.

3. Any peace officer, county employee or county official who receives a citizen complaint alleging racial, profiling shall direct the complaint to the Constable, who retains the right to assign the complaint to an investigator, within or outside the police department.

4. The accused peace officer will be given the opportunity to respond, in writing, to the citizen's allegations. Depending upon the circumstances and facts, the investigations may be either administrative, criminal or both.

5. In investigating the complaint alleging racial profiling, the investigator shall seek to determine if the accused officer 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. The investigator's investigation shall contain findings of supported, sustained, unfounded, or exonerated. Any recommendations for disciplinary action or changes in policy, training, or patrol tactics should be included.

6. If a complaint involves an audio/visual recording, the Constable shall, upon commencement of the investigation and by written request of the peace officer, provide a copy of the recording to the accused peace officer.

7. The Constable will acknowledge in writing, receipt of the complaint. Upon conclusion of the investigation, the Constable shall notify the complainant of the final results. If a racial profiling is sustained against an officer, it will result in appropriate corrective and/or disciplinary action, as directed by the Constable. THE CONSTABLE WILL MAKE FINAL DETERMINATION ABOUT THE DISPOSITION OF ANY COMPLAINT.

C. Public Education:

1. The Falls County Constable Precinct 1 Constable's Office shall educate the citizens of Falls County in regards to public concerns about racial profiling by peace officers, as well as, the agency's policy and complaint progress. This may include, but not limited to annual police reports, news media, radio, civic presentations, citizens police academies, the internet as well as Falls County Commissioner Court meetings.

2. A summary of the public education efforts made during the preceding year shall be included with the annual police report filed with the Falls County Commissioners Court. z

D. Corrective Actions:

1. The Falls County Constable Precinct 1 Constable's Office does not condone the practice of bias-based profiling, such as racial profiling. Any peace officer who is found, after investigation, to have engaged in racial profiling in violation of this policy shall be subject to corrective action as determined by the Constable.

2. Depending upon the facts and circumstances, corrective actions may include cultural diversity and, racial sensitivity training, employee counseling, disciplinary action, and/or dismissal.

E. Data Collection & Reporting:

1. State Law requires the collection of information relating to traffic stops, resulting in a citation or arrest, including the violator's race and ethnicity, weather a search was conducted, and if so, was the search consensual.

2. While this information may be gathered in various ways, including mobile data terminals, hand held devices, reports, patrol officers shall record this information upon the citation, warning, or arrest report.

3. Effective November 10, 2010, the Falls County Constable Precinct 1 Constable's Office shall begin collecting this information.

F. Annual Administrative Review/Report: Annually, this administration shall review agency practices relating to traffic stops. One purpose of this administration review is to identify any violations related to this directive, state, or federal laws including training deficiencies.

1. As part of the Annual Police Report, the Constable shall report to the Falls County Commissioners Court, a statistical summary of traffic stops, resulting in warnings, citations, arrest, and /or searches.

2. The information collected shall be compiled in the annual report covering the period of January through December 31st of each year, and shall be submitted to the Falls County Commissioners Court and the Texas Commission on Law Enforcement Officers Standards and Education no later than March 1st of the following year.

3. The report will contain required information, including:

(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; and

(C) Whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual

4. The annual report shall not include identifying information about any individual stopped or arrested, and shall not include identifying information about any police officer involved in a traffic stop or arrest.

F. Procedures

1. Traffic stop video/audio when available will be maintained for no less than 90 days.