

SHERIFF TERRY GILBERT
COOKE COUNTY, TEXAS



COOKE COUNTY JUSTICE CENTER
300 COUNTY ROAD 451
GAINESVILLE, TEXAS 76240
940-665-3471

2014

Cooke County

Racial Profile Policy

and Report

INTRODUCTION

On September 1, 2001, the Racial Profiling Law went into effect as a result of the 76th Texas Legislature addressing the issue of racial profiling in policing. The 81st Legislature re-defined the scope of the contacts at issue, expanded the questions to be answered about the stop, and created a civil penalty for the chief administrator who does not make an annual report, among other significant changes. The Legislature also required that the annual report be submitted electronically to TCOLE in addition to the governing body. The amended provisions applied to the 2010 annual report and to subsequent reports.

The Cooke County Sheriff's Office, in accordance with the racial profiling statutes, has collected citation-based contact data for the purpose of identifying and responding, if appropriate, to concerns regarding any racial profiling practices by patrol deputies. The Sheriff's Office has created, implemented and made public record, a racial profiling policy and a complaint process. The racial profiling policy is on the main page of the Sheriff's website, in English and Spanish. The Racial Profiling Report made to the Texas Commission on Law Enforcement is also available to any person.

This annual report contains data collected and compiled by the Sheriff's Office and the statutes from the Texas Code of Criminal Procedure that constitute the Racial Profiling Law. This report serves to assist Cooke County Sheriff's Office and especially the citizens of Cooke County in identifying and resolving issues regarding racial profiling.

SUBJECT: Racial Profiling Policy

Section 4.05

This order consists of the following numbered sections:

- I. Statement**
- II. Definitions**
- III. Training**
- IV. Complaint Investigation**
- V. Public Education**
- VI. Citation Data Collection & Reporting**
- VII. Effective Date**

I. Statement

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

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

Specifically, Deputies may not use racial or ethnic stereotypes as factors in selecting whom to stop and search. Furthermore, while deputies may use race in conjunction with other known factors of the suspect, Deputies may not use racial or ethnic stereotypes as deciding factors in selecting whom to stop and search.

This policy shall be applicable to all persons, whether drivers, passengers or pedestrians. Deputies shall conduct themselves in a dignified and respectful manner at all times when dealing with the public. Two of the fundamental rights guaranteed by both the United States and Texas constitutions are equal protection under the law and freedom from unreasonable searches and seizures

by government agents. The right of all persons to be treated equally and to be free from unreasonable searches and seizures must be respected. Racial profiling is an unacceptable patrol tactic and will not be condoned.

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

II. Definitions

Racial Profiling - A law enforcement-initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity.

Racial profiling pertains to persons who are viewed as suspects or potential suspects of criminal behavior. The term is not relevant as it pertains to witnesses, complainants or other citizen contacts.

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

1. Making a motor vehicle stop on a driver who is speeding in traffic where most other drivers are speeding and choosing that particular driver to stop because of the driver's race, ethnicity or national origin.
2. Making a motor vehicle stop on a driver on the determination that the driver of that race, ethnicity or national origin is unlikely to own or possess that specific make or model of vehicle.
3. Making a motor vehicle stop based upon the determination that the driver of that race, ethnicity or national origin does not belong in a specific part of town or a specific place.

Race or Ethnicity - Of a particular decent, including Caucasian, African, Hispanic, Asian, Native American, or Middle Eastern.

Motor Vehicle Stop - A peace officer who stops a motor vehicle's driver for an alleged violation of a law or ordinance regulating traffic.

III. Training

Deputies are responsible to adhere to all Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) training requirements as mandated by law.

All deputies shall complete a TCLEOSE training and education program on racial profiling not later than the second anniversary of the date the deputy is licensed under Chapter 1701 of the Texas Occupations Code or the date the deputy applies for an intermediate proficiency certificate, whichever date is earlier. A person, who on September 1, 2001, held a TCLEOSE intermediate 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.

IV. Complaint Investigation

1. The Cooke County Sheriff's Office will 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 deputy who initiated the stop, shall record the person's name, address and telephone number, and forward the complaint to Internal Affairs. Any employee contacted regarding a complaint shall direct the person to Internal Affairs who upon request shall provide to that person a copy of the 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 directed to the Sheriff. When applicable, findings and/or suggestions for disciplinary action, retraining, or changes in policy shall be direct to the Sheriff.

4. If a racial profiling complaint is sustained against a deputy, it will result in appropriate corrective and/or disciplinary action, up to and including termination.

5. If there is a Sheriff's Office video or audio recording of the events upon which a complaint of racial profiling is based, upon commencement of an investigation by this Office into the complaint and written request of the deputy made the subject of the complaint, this Office shall promptly provide a copy of the recording to that deputy.

V. Public Education

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

VI. Citation Data Collection and Reporting

A deputy is required to collect information relating to traffic stops in which a citation is issued or an arrest is made. On the citation deputies must include:

1. the violators race or ethnicity
2. whether the race or ethnicity was known to the officer prior to the stop
3. whether a search was conducted
4. was the search consensual
5. whether an arrest of the driver occurred

By March of each year, the Sheriff's Office shall submit a report to the Cooke County Commissioners' Court and to the Texas Commission on Law Enforcement Officer Standards and Education that includes the information gathered from the citations. The report will include:

1. the number of motor vehicle stops in which the deputy knew or did not know the race or ethnicity of the driver prior to the stop
2. a breakdown of citations by race or ethnicity
3. the number of searches that were conducted; and whether the search was consensual
4. the number of motor vehicle stops that resulted in an arrest of the driver

VII. Effective Date: 01/2015

Terry Gilbert
Cooke County Sheriff

TEMA: Discriminación Racial

Sección 4.05

Esta orden consiste de las siguientes secciones:

- I. Declaración**
- II. Definiciones**
- III. Entrenamiento**
- IV. Investigación de Denuncias**
- V. Educación Publica**
- VI. Datos de Citación y Reportes**
- VII. Fecha Efectiva**

I. Declaración

El propósito de la póliza es para confirmar que la Oficina de Cooke County Sheriff es cometido a aplicar la ley sin prejuicios en todas las encuentras entre un oficial y una persona; para reforzar los procedimientos que sirven para garantizar la confianza pública y mutua a través de la provisión de servicio de una manera justa y equitativa; y para proteger la policía de acusaciones injustas de conducto cuando procedan dentro sus responsabilidades de la póliza de la Oficina del Sheriff y la ley.

Es la póliza de esta Oficina para mantener el servicio de la ley en una manera pro-activa y, agresivamente investigar sospecha de violaciones de la ley. Policías activamente cumplen con las leyes federales y del estado en una manera profesional y responsable, sin considerar raza, etnia, o origen nacional. Policías son estrictamente prohibidos involucrarse en la discriminación racial tal como se define en esta póliza.

Mientras, oficiales pueden usar raza en conjunto con otros factores sabidos del sospechoso, oficiales no son permitidos a usar estereotipos raciales o étnicos como factores de selección a quien van a detener y registrar.

Esta póliza será aplicada a todas personas, no importa si son conductores, pasajeros, o pedestres. Oficiales se comportaran con dignidad y respeto a todo tiempo mientras en contacto con el público. Dos de los derechos fundamentales garantizados por las constituciones de los Estados Unidos y Texas es la igualdad de protección ante la ley y la libertad de escolcas y detenciones arbitrarias por agentes del gobierno. Los derechos de todas personas de ser tratados igualmente y ser libre de escolcas y detenciones arbitrarias serán respetados. Discriminación racial es una táctica de patrulla inaceptable y no será tolerada.

Esta póliza no impide policías de ofrecer ayuda, por ejemplo si observan algo gotear de un vehículo, llanta pinchada, o alguien que parece enfermo, perdido o confuso. Esta póliza tampoco impide detener un sospechoso basado en acciones observadas y/o información recibido de esa persona. Últimamente, esta póliza no es aplicada a testigos, denunciantes o en contacto con otro ciudadano.

II. Definiciones

Discriminación Racial- una acción en la aplicación de la ley basada en la raza, etnia, origen nacional de un individuo en lugar de su comportamiento o en la información que identifica el individuo como la persona que participo en actividades criminales.

Discriminación Racial pertenece a personas que son vistos como sospechosos o posible sospechosos de acciones criminales. Esta definición no es aplicada a testigos, denunciantes o en contacto con otro ciudadano.

La prohibición contra discriminación racial no impide el uso de raza, etnia, o origen nacional como factores de detención. Raza, etnia, o origen nacional pueden ser factores legítimos en una detención cuando son usados como parte de una actual descripción de un sospechoso específico que la policía esta buscando. Parando un individuo para obtener información sobre sus actividades simplemente por su raza, etnia, o origen nacional es discriminación racial. Ejemplos de discriminación racial incluyen, pero no se limitan a lo siguiente:

1. Deteniendo un automóvil por exceso de velocidad cuando hay otros conductores que van a exceso de velocidad y seleccionando ese conductor particular por causa de su raza, etnia, o origen nacional.
2. Deteniendo un automóvil por determinación que es probable que el conductor de esa raza, etnia, o origen nacional no sea el dueño o que tenga posesión a un vehículo de una marca o modelo específico.
3. Deteniendo un automóvil basado en determinación que el conductor de esa raza, etnia, o origen nacional no pertenece en un área específica o ciudad.

Raza o Etnia- de un particular descendencia, incluyendo Caucásico, Africano, Hispano, Asiático, Nativo Americano, o de Oriente Medio.

Deteniendo un Automóvil- un oficial que detiene a un conductor de vehículos por una presunta violación de la ley o ordenanza que regula el tráfico.

III. Entrenamiento

Policías son responsables a adherirse a todos los requisitos de entrenamiento de Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) como mandados por la ley.

Todos la policía tiene que completar el programa de entrenamiento de TCLEOSE sobre discriminación racial no mas de dos años después de la fecha que fueron autorizados por Capitulo 1710 de el Texas Occupations Code o la fecha que el oficial aplique por un certificado de aptitud intermedia, cualquier fecha que llegue primero. Una persona, que en el 1 de Septiembre 2001, obtuvo un certificado de nivel intermedio por TECLEOSE o que había mantenido una licencia como oficial de la paz por lo menos dos años, tiene que completar el entrenamiento de TCLEOSE y programa de educación sobre discriminación racial antes del 1 de Septiembre 2003.

IV. Investigación de Denuncias

1. La Oficina de Cooke County Sheriff acepta denuncias de cualquier persona que cree que ha sido parado o esculcado basado en raza, etnia, o origen nacional. Ninguna persona será desanimado, intimidado, o por coerción de hacer una denuncia. Ni será discriminado por haber hecho tal denuncia.
2. Cualquier empleado que recibe una acusación de discriminación racial, incluyendo el oficial que inicio el paro, ara datos del nombre, dirección, numero telefónico, y será dirigido a la oficina de Asuntos Internos. Si un empleado es contactado, lo pondrán en contacto con Asuntos Internos, y recibirá una copia de su denuncia si es pedida.
3. Denuncias son investigadas de manera completa y oportuna. Todas las quejas serán reconocidas por escrito al iniciador que recibirá la disposición en relación con dicha denuncia en un plazo razonable de tiempo. La investigación en escrito con comentarios y conclusiones serán dirigidos al Sheriff. Cuando es aplicable, resultados y/o surgencias de acción disciplinaria, entrenamiento, o cambios a la póliza serán dirigidos al Sheriff.
4. Si una denuncia de discriminación racial contra la policía es sostenida, resultara en acción apropiada y/o disciplinaria, asta o incluyendo terminación.
5. Si hay un video o audio de la Oficina del Sheriff del la ocasión en cual ocurrió la discriminación racial, en el inicio de la investigación por esta Oficina de la denuncia y si es pedido por el oficial en cuestión, la Oficina le dará una copia de la grabación a ese oficial.

V. Educación Publica

Esta Oficina informara el público de su póliza contra la discriminación racial y el proceso de denuncias. Las noticias, estación de radio, servicio o presentaciones, el Internet, y juntas del gobierno son métodos que pueden ser usados para informar el público. Adicional, información será disponible en idiomas distintos del inglés.

VI. Datos de Citación y Reportes

La policía tiene la obligación de coleccionar información relativa a las detenciones de tráfico en el que una cita se haya expedido o un arresto es hecho. En la cita, un oficial debe incluir:

1. La raza o etnia del violador de la ley
2. Si sabia la raza o etnia antes de la detención
3. Si un esculque fue hecho
4. Si el esculque era consensual
5. Si el conductor fue arrestado

En Marzo de cada año, la Oficina del Sheriff presentará un reportaje a la Corte de Comisionados de Cooke y al Texas Commission on Law Enforcement Officer Standards and Education que incluye información de todas la citas. El reporte incluye:

1. El numero de automóviles detenidos en que la policía sabía o no sabía la raza o etnia del conductor antes de la detencion.
2. Una lista de las citaciones por la raza o etnia
3. Numero de esculque que hizo, y si el esculque era consensual
4. Numero de automóviles detenidos que resultaron en el arresto del conductor

VII. Fecha Efectiva: 01/2015

Terry Gilbert
Cooke County Sheriff



Sheriff Terry Gilbert
Cooke County, Texas

Cooke County Justice Center
300 CR 451
Gainesville, TX 76240
940-665-3471
FAX 940-668-3255

**Partial Exemption Racial Profiling Reporting
(Tier 1)**

If you claim a partial exemption you must submit a report that contains the following data or use this format to report the data.

Instructions: Please fill out all boxes. If zero, use 0.

- 1. Total on lines 4, 11, 14, and 17 Must be equal**
- 2. Total on line 20 Must equal line 15**

Number of motor vehicle stops:

	1. <u>465</u> citation only	
Mark only 1 category per vehicle stop	2. <u>25</u> arrest only	
	3. <u>422</u> both	
		4. <u>912</u> Total

Race or Ethnicity:

	5. <u>74</u> African	
	6. <u>2</u> Asian	
	7. <u>725</u> Caucasian	
	8. <u>111</u> Hispanic	
	9. <u>0</u> Middle Eastern	
	10. <u>0</u> Native American	
		11. <u>912</u> Total

Race or Ethnicity known prior to stop?

	12. <u>150</u> Yes	
	13. <u>762</u> No	
		14. <u>912</u> Total

Search conducted?

	15. <u>408</u> Yes	
	16. <u>504</u> No	
		17. <u>912</u> Total

Was search consented?

	18. <u>163</u> Yes
	19. <u>245</u> No

20. 408 Total Must equal #15



Sheriff Terry Gilbert
Cooke County, Texas

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**Partial Exemption Racial Profiling Reporting
(Tier 1)**

Department Name Cooke County Sheriff's Office
Agency Number 940-665-3471
Chief Administrator Name Terry Gilbert
Reporting Name Courtney Gregg
Contact Number 940-668-3213
E-mail Address Courtney.Gregg@co.cooke.tx.us

Certification to Report 2.132 (Tier 1) – Partial Exemption

Policy Requirements (2.132(b) CCP):

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 officers 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 motor vehicle stops in which a 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; and
 - (C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and
- (7) require 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 Officer Standards and Education; 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.

These policies are in effect.

Chief Administrator *Fin Jones* Date *1/15/2015*



Sheriff Terry Gilbert
Cooke County, Texas

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**Partial Exemption Racial Profiling Reporting
(Tier 1)**

Video and Audio Equipment Exemption

Partial Exemption Claimed by (2.135(a) CCP):

- all cars regularly used for motor vehicle stops are equipped with video camera and transmitter-activated equipment and each motor stop is recorded and the recording of the stop is retained for at least 90 days after the stop.

OR

- In accordance with 2.135(a)(2) the agency has requested and not received funds to install the recording equipment

I claim this exemption

Chief Administrator Fin Jones Date 1/15/2015

TIER 1 - PARTIAL EXEMPTION RACIAL PROFILING REPORT

Agency Name: COOKE CO. SHERIFF'S OFFICE
Reporting Date: 01/15/2015
TCOLE Agency Number: 097100
Chief Administrator: TERRY W. GILBERT
Agency Contact Information: Phone: 940-665-3471
Email: fin.jones@co.cooke.tx.us
Mailing Address:
COOKE CO. SHERIFF'S OFFICE
300 CR 451
Gainesville, TX 76240

This Agency claims partial racial profiling report exemption because:

Our vehicles that conduct motor vehicle stops are equipped with video and audio equipment and we maintain videos for 90 days.

Certification to This Report 2.132 (Tier 1) – Partial Exemption

Article 2.132(b) CCP Law Enforcement Policy on Racial Profiling

COOKE CO. SHERIFF'S OFFICE 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 COOKE CO. SHERIFF'S OFFICE from engaging in racial profiling;
- (3) implements a process by which an individual may file a complaint with the COOKE CO. SHERIFF'S OFFICE if the individual believes that a peace officer employed by the COOKE CO. SHERIFF'S OFFICE 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 COOKE CO. SHERIFF'S OFFICE who, after an investigation, is shown to have engaged in racial profiling in violation of the COOKE CO. SHERIFF'S OFFICE's policy adopted under this article;
- (6) require collection of information relating to motor vehicle stops in which a 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; and

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

(7) require 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.

I certify these policies are in effect.

Executed by: **TERRY W. GILBERT**

Chief Administrator

COOKE CO. SHERIFF'S OFFICE

Date: 01/15/2015

**COOKE CO. SHERIFF'S OFFICE Motor Vehicle Racial Profiling
Information**

Number of motor vehicle stops:

1. **465** citation only
2. **25** arrest only
3. **422** both
4. **912 Total** (4, 11, 14 and 17 must be equal)

Race or Ethnicity:

5. **74** African
6. **2** Asian
7. **725** Caucasian
8. **111** Hispanic
9. **0** Middle Eastern
10. **0** Native American
11. **912 Total** (lines 4, 11, 14 and 17 must be equal)

Race or Ethnicity known prior to stop?

12. **150** Yes
13. **762** No
14. **912 Total** (lines 4, 11, 14 and 17 must be equal)

Search conducted?

15. **408** Yes
16. **504** No
17. **912 Total** (lines 4, 11, 14 and 17 must be equal)

Was search consented?

18. **163** Yes
19. **245** No
20. **408 Total** (must equal line 15)