

Texas Racial Profiling Law

Public Notice

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 state and federal laws in a responsible and professional manner without regard to race, ethnicity or natural origin. Officers are strictly prohibited from engaging in racial profiling (Article 2.131, Texas Code of Criminal Procedure).

This department accepts complaints from any person who believes that 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.

The Edgewood ISD Police Department realizes that there will be disagreements, from time to time, with individuals that come in contact with our officers. We realize that confusion, different perceptions or possibly the timeliness of information could result in information that may produce different accounts of the same incident. These disagreements between citizens and officers need to be addressed. We trust that the vast majority of contacts between citizens and officers are conducted in a positive, professional manner. The relationship between the community and our officers is based on confidence and trust. We cannot be effective without both the community and our officers working together to achieve this goal.

Citizens feeling that they have a legitimate concern may make a formal complaint to the Edgewood ISD Police Department at any time by contacting any member of this department for information on the complaint process. Additional information about this process may be obtained by calling us at (210) 444-4558.

The Edgewood ISD Police Department would also like to know about positive police contacts. Please write the Chief of Police a letter or note to let him or her know about a positive contact with our officers. Chief Quiroga will let the officer know about your letter and a copy will be placed in the officer's personnel folder.

We are very proud of the relationship the Edgewood ISD Police Department shares with the community. Our longstanding goal is to provide our citizens with a safe community where all may live without the fear of crime and our children can obtain an exceptional learning experience that engages, empowers, and prepares students to compete and reach their highest potential in an ever-changing World.

Edgewood Independent School District Police Department Official Complaint Process

Complaint Process Addressing General Complaints of Misconduct and Allegations of Racial Profiling Practices

1. Citizens contact the EISD Police Department and file complaint.
2. Once an individual has filed a complaint regarding racial profiling or complaints of misconduct, he/she should expect the following process to commence:

THE INTERVIEW

A police officer (rank of Corporal/Investigator or higher) will interview the individual filing the complaint. The officer will ask the alleged victim questions about what happened. It is possible; the officer may be able to explain the officer(s) actions to your satisfaction.

- Usually, the alleged victim will be interviewed at the Police Department's Main Building. It is possible that he/she may be videotaped during the interview.
- The individual filing the complaint may bring a lawyer, family member or friend to the interview.
- The police officer will ask the individual filing a complaint about the names of witnesses and other police officers that may know facts about the complaint.
- A police photographer may take pictures of any injuries that the alleged victim think are related to the complaint.

THE INVESTIGATION

After the interview, the EISD Police Department will investigate the alleged misconduct. Investigators will talk to witnesses and visit the site of the incident.

- All officers will be interviewed and witnesses whom the alleged victim has named will be contacted and interviewed, if they agree.
- The alleged victim will receive a letter regarding the progress of the investigation. Although it is impossible to estimate how long the investigation will take, the alleged victim will receive periodic reports on its status.
- A report will then be prepared.

THE REVIEW PROCESS

The Police Chief reviews every complaint after the investigation is completed and a report is written.

- If the complaint includes excessive force or charges an officer with a crime, it will also be reviewed by an Internal Investigation Section investigator.
- The IIS will review your complaint, statements from all witnesses and reports from the investigation. The IIS investigator may ask for additional information before making recommendations to the Police Chief.
- The results of investigations that suggest there are no charges that the police officer used excessive force or committed a crime are also reviewed by the Police Chief.
- The Police Chief reviews investigations and makes the final decision on all complaints.

THE FINDINGS

The results of your complaint are called "findings". There are four possible findings:

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

The Police Chief will decide on a finding after the complaint has been reviewed. Further, he will inform the alleged victim through an official letter of the final decision.

A COMMITMENT TO RESPOND TO THE NEEDS OF THE COMMUNITY

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

1. The department shall accept complaints from any person who believes he or she has been stopped or searched based on racial, ethnic or national origin profiling. No person shall be discouraged, intimidated or coerced from filing a complaint, nor discriminated against because he or she filed such a complaint.
2. Any employee who receives an allegation of racial profiling, including the officer who initiated the stop, shall record the person's name, address and telephone number, and forward the complaint through the appropriate channel or direct the individual(s). Any employee contacted shall provide to that person a copy of a complaint form or the department process for filing a complaint. All employees will report any allegation of racial profiling to their superior before the end of their shift.
3. Investigation of a complaint shall be conducted in a thorough and timely manner. All complaints will be acknowledged in writing to the initiator who will receive disposition regarding said complaint within a reasonable period of time. The investigation shall be reduced to writing and any reviewer's comments or conclusions shall be filed with the chief. When applicable, findings and/or suggestions for disciplinary action, retraining, or changes in policy shall be filed with the chief.
4. If a racial profiling complaint is sustained against an officer, it will result in appropriate corrective and/or disciplinary action, up to and including termination.

Please understand that if the investigations prove these allegations to be false, the complainant may be held liable for both criminal and civil prosecution. Any person convicted of making a false complaint against a police employee is a violation of Texas Penal Code sec. 37.02. A person convicted of making a false claim can be fined up to \$2,000 and/or risk confinement in jail up to one year.

A complainant may be asked to submit a polygraph examination as part of the investigation.

If an individual would like to file an official complaint, the complainant may do so by contacting a supervisor and completing a complaint form at the Edgewood ISD Police Department located at 5358 West Commerce, San Antonio, Texas 78237.

Edgewood ISD Police Department
5358 W. Commerce
San Antonio, TX. 78237
(210) 444-4558

CITIZEN COMMENDATION / COMPLAINT FORM

COMMENDATION COMPLAINT I.A. # _____
(Official Use)

CITIZEN'S NAME: _____ DAY TEL. #: (____) _____
(PRINT)

ADDRESS: _____
STREET CITY STATE ZIP CODE

WITNESS'S NAME: _____ DAY TEL. #: (____) _____
(LIST ADDL IN NARR.) (PRINT)

ADDRESS: _____
STREET CITY STATE ZIP CODE

OFFICER(S) INVOLVED:

1. _____
2. _____
3. _____
4. _____

NATURE OF INCIDENT:

INCIDENT OCURRED:

DATE: __/__/____ TIME: _____

LOCATION: _____

I understand that it is a violation of chapter 37 of the Penal Code, Sec. 37.03. (a) A person commits an offense if he commits perjury as defined in Section 37.02, and the false statement: (1) is made during or in connection with an official proceeding; and is material.

_____ (Initials)

