

RACIAL PROFILING COMPLAINT PROCEDURES

DEFINITION: Section 2. Chapter 3, Code of Criminal Procedure, is amended by adding Article 3.5 to read as follows:

“RACIAL PROFILING” Means a Law Enforcement-initiated action based on an individual's race, ethnicity or national origin rather than an individual's behavior or on information identifying the individual as having engaged in criminal activity.

It shall be the policy of the Liberty County Pct. 6 Constable's Department to follow the statute regarding racial profiling. The Liberty County Pct. 6 Constable's Department does not condone the practice of “Racial Profiling” as defined by the statute.

Any Officer of the Liberty County Pct. 6 Constable's Department found to engage in “Racial Profiling” would receive disciplinary action. This action may include any or a combination of the following: verbal reprimand, written reprimand, counseling, remedial racial profiling training or other measures deemed appropriate. Additional allegations of “Racial Profiling” that are judged to be “Sustained” meaning there was sufficient evidence to prove the allegation or “Sustained/Other” meaning an investigation revealed there was misconduct by the employee other than that which was alleged; may carry a greater degree of disciplinary action.

CITIZENS “Complaint Procedure”: Any citizen who feels that they are a victim of “Racial Profiling” as defined by the statute, effective September 1, 2001 may make a formal complaint regarding as alleged incident. All complaints will be in writing and in the form of a Sworn Statement.

The “Complaining Citizen” will fill out a complaint form specifically designed for allegations of “Racial Profiling” against a Liberty County Pct. 6 Constable's Officer.

This will include the name, address, telephone number and other identifying data of the complaint. The complainant will be required to identify to the best of their ability the identity of the officer who has alleged to engaged in “racial profiling” against them. The complainant will write out a sworn detailed statement regarding the facts of the allegation. The statement will be a sworn statement with a notice that deliberate statements with the intent to deceive or give false information to an officer of departmental employee may carry with it charges of Perjury of Making a False Statement. Perjury and False Report is found in Chapter 37 of the Texas Penal Code.

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