

**Hill County Sheriff's Office  
Law Enforcement  
Policies and Procedures**

<b>Subject:</b> Racial & Bias Profiling	<b>Policy Number:</b> 5.09
<b>Issue Date:</b> 02-26-2025 <b>Replaces:</b> Policy 2.2 Bias Based Policing	<b>Revision Date:</b> 02-26-2025
<b>Approval Authority Title and Signature: Hill County Sheriff Hunter Barnes</b>	

**POLICY:**

We at the Hill County Sheriff's Office are committed to respecting constitutional rights in the performance of our duties. Our success is partly based on the respect we give to our communities and the respect and support members of the community observe toward law enforcement. To this end, we exercise our duties, responsibilities, and obligations in a manner that does not discriminate based on race, sex, gender, sexual orientation, national origin, ethnicity, age, religion, or prior military service. Respect for diversity and equitable enforcement of the law is essential to our mission.

**DISCUSSION:**

Our enforcement actions are based on the standards of *reasonable suspicion* or *probable cause* as guaranteed by the 4<sup>th</sup> Amendment to the U. S. Constitution and by statutory authority. In enforcement decisions, officers can articulate specific facts, circumstances, and conclusions that support a determination of reasonable suspicion or probable cause justifying arrests, searches, seizures, and stops of individuals. Officers do not stop, detain, arrest, search, or attempt to search anyone based solely upon the person's race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, prior military service, or any other identifiable group. The Hill County Sheriff's Office policies and practices and management controls are informed and guided by this philosophy. Nothing in our practices limits non-enforcement consensual contact between officers and the public.

**DEFINITIONS**

These definitions are intended to facilitate ongoing discussion and analysis of our enforcement practices. For purposes of this policy, the following definitions apply.

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- **Bias** - Prejudice or partiality based on preconceived ideas, such as a person's race, upbringing, culture, experience, or education.
- **Biased-Based Policing** - Stopping, detaining, searching, or attempting to search, or using force against a person based upon their race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group.
- **Ethnicity** - A cluster of characteristics that may include race but also cultural characteristics or traits that are shared by a group with a common experience or history.
- **Gender** - Unlike sex, a psychological classification is based on cultural characteristics or traits.
- **Probable Cause** - Specific facts and circumstances within an officer's knowledge that would lead a reasonable officer to believe that a specific offense has been or is being committed and that the suspect has committed it. Probable cause is determined by the courts reviewing the totality of the circumstances surrounding the arrest or search from an objective point of view.
- **Race** - A category of people of a particular descent, such as Caucasian, African, Hispanic, Asian, Middle Eastern, or Native American descent. As distinct from ethnicity, race refers only to physical characteristics sufficiently distinctive to group people under a classification. Note: *Hispanic* is often referred to as a *race* when, in reality, it identifies a Spanish-speaking person or group composed of many races and cultures.
- **Racial Profiling** - An 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.
- **Reasonable Suspicion** - Specific facts and circumstances that would lead a reasonable officer to believe criminal activity is afoot and the person to be detained is somehow involved. Reasonable suspicion is determined by the courts reviewing the totality of the circumstances surrounding the detention from an objective point of view.

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- **Sex** - A biological classification, male or female, based on physical and genetic characteristics.
- **Stop** - An investigative detention of a person for a brief period, based on reasonable suspicion.

## PROCEDURES

### General Responsibilities:

Our officers are prohibited from engaging in bias-based profiling or stopping, detaining, searching, arresting, or taking any enforcement action, including seizure or forfeiture activities, against any person based solely on the person's race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group. These characteristics, however, may form part of *reasonable suspicion* or *probable cause* when officers are seeking a suspect with one or more of these attributes.

Investigative detentions, traffic stops, arrests, searches, and property seizures by the Hill County Sheriff's Office peace officers are based on a standard of reasonable suspicion or probable cause following the 4<sup>th</sup> Amendment of the U.S. Constitution. When taking enforcement actions, officers must be able to articulate specific facts and circumstances that support reasonable suspicion or probable cause for investigative detentions, traffic stops, subject stops, arrests, non-consensual searches, and property seizures. Except as provided below, officers do not consider race or ethnicity in establishing either reasonable suspicion or probable cause. Similarly, except as provided below, our officers do not consider race or ethnicity when initiating even nonconsensual encounters that do not amount to legal detentions or to request consent to search.

Officers may consider the reported race or ethnicity of a specific suspect or suspects based on trustworthy, locally relevant information that links a person or persons of a specific race or ethnicity to a particular unlawful incident(s). Race and ethnicity can never be used as the sole basis for probable cause or reasonable suspicion. Except as provided above, reasonable suspicion or probable cause forms the basis for any enforcement actions or decisions. Individuals are subjected to stops, seizures, or detentions only upon reasonable suspicion that they have committed, are committing, or are about to commit an offense. Officers document the elements of reasonable suspicion and probable cause in their reports.

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We observe constitutional safeguards and respect the constitutional rights of all persons.

1. As traffic stops furnish a primary source of bias-related complaints, our officers display a firm understanding of the warrantless searches allowed by law, particularly the use of consent. How the officer disengages from a traffic stop may be crucial to a person's perception of fairness or discrimination.
2. Officers do not use the refusal or lack of cooperation to justify a search of the person or vehicle or prolonged detention once reasonable suspicion has been dispelled.
3. Hill County Sheriff's Office employees work to treat everyone with the same courtesy and respect that they would have others observe them. To this end, we are reminded that the exercise of courtesy and respect engenders a future willingness to cooperate with law enforcement.
4. We facilitate an individual's access to other governmental services whenever possible and actively provide referrals to other appropriate agencies.
5. Our employees courteously accept, document, and forward to the Chief Deputy any complaints made by an individual against the department.
  - a. Further, officers provide information on the complaint process and give copies of *How to Make a Complaint* when requested or when it is reasonable to assume the person is requesting a copy.
6. Whenever feasible, Hill County Sheriff's Office staff offer explanations of the reasons for enforcement actions or other decisions that bear on the individual's well-being unless the explanation would undermine an investigation or jeopardize an officer's safety.
7. When concluding an encounter, officers thank them for their cooperation.
8. When feasible, officers identify themselves by name. When a person requests the information, our employees give their Hill County Sheriff's Office identification number, the name of the immediate supervisor, or any other reasonable information.
9. Our employees are accountable for their actions and, when required, are prepared to justify their actions.

### **Supervisory Responsibilities:**

Supervisors are held accountable for the observance of constitutional safeguards during the performance of their duties and those of their subordinates. Supervisors identify and correct possible instances of bias in the work of their subordinates.

Supervisors use the department's disciplinary mechanisms to ensure compliance with this order and the constitutional requirements of law enforcement.

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Supervisors are mindful that, in accounting for the actions and performance of subordinates, supervisors are critical to maintaining community trust in law enforcement.

Supervisors continually reinforce the ethics of impartial enforcement of the laws and ensure that our employees, by their actions, maintain the community's trust in law enforcement.

Supervisors are reminded that biased enforcement of the law engenders not only mistrust of law enforcement but also increases safety risks to our personnel, as well as exposes the employee, others, and the Hill County Sheriff's Office to liability.

Supervisors are held accountable for repeated instances of biased enforcement of their subordinates if the supervisor knew, or should have known, of the subordinate's actions.

Supervisors ensure that all enforcement actions are duly documented per departmental policy. Supervisors ensure that all reports show adequate documentation of reasonable suspicion and probable cause, if applicable. Any enforcement action that begins as a consensual encounter also has the circumstances of the initial encounter documented.

Supervisors facilitate the filing of any complaints about law- enforcement services.

Supervisors randomly review at least five (5) videotapes per officer, either body camera or in-car camera video per month. Supervisors are not required to watch each incident of an entire shift; however, reviewing the footage in a manner intended to gain an understanding of that officer's performance and adherence to policy and law is required. Supervisors document the random review of the video in their written review of said videos and address any violations of policy or law using the existing disciplinary process. These written reviews are to be forwarded to the Operations Captain via the chain of command for further review.

1. The previous paragraph applies only to first-line uniformed officers and their immediate supervisors. In the absence of a first-line supervisor, this review responsibility shifts to the Lieutenant of the division of the employee.

### **Disciplinary Consequences:**

Actions prohibited by this order are cause for disciplinary action up to and including dismissal.

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**Training:**

Officers complete all training required by state law regarding bias-based profiling.

**Complaints:**

1. The department's complaint process and bias-based profiling policy are posted on its website. The information includes, but is not limited to, the email, physical address, and telephone contact information for making a complaint against an employee. Whenever practical, news and social media are used to inform the public of the department's policy and complaint process.
2. Complaints alleging incidents of bias-based profiling are fully investigated as described in Policy 8.18, Internal Compliance Enforcement.
3. Complainants are notified of the results of the investigations when the investigation is completed.

**Record Keeping:**

The department maintains all required records on traffic stops where a citation or warning is issued or where an arrest is made after a traffic stop. The information collected is reported to the Hill County, Texas Commissioner's Court as required by law. The information is also reported to TCOLE in the format required.

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