

SAFETY PROGRAM/RISK MANAGEMENT
SECURITY PERSONNEL/PEACE OFFICERS

CKE
(LEGAL)

PEACE OFFICERS The Board may employ security personnel and commission peace officers to carry out the provisions of Chapter 37, Subchapter C, Education Code, relating to law and order. If the Board authorizes security personnel to carry weapons, they must be commissioned peace officers. Any peace officer commissioned under Education Code 37.081 must meet all minimum standards for peace officers established by the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE).

JURISDICTION The Board shall determine the jurisdiction of its commissioned peace officers, which may include all territory in the boundaries of the District and all property outside the boundaries of the District that is owned, leased, or rented by or otherwise under the control of the District.

Education Code 37.081(a)

SCOPE OF POWERS AND DUTIES In a commissioned peace officer's jurisdiction, a peace officer:

1. Has the powers, privileges, and immunities of peace officers.
2. May enforce all laws, including municipal ordinances, county ordinances, and state laws.
3. May take a juvenile into custody in accordance with Chapter 52 of the Family Code.

Education Code 37.081(b); Family Code 52.01(a)

The Board shall determine the scope of the on-duty and off-duty law enforcement activities of its peace officers, and the District must authorize in writing any off-duty law enforcement activities performed by a District peace officer. A District peace officer shall perform administrative and law enforcement duties as determined by the Board, which shall include protecting the safety and welfare of any person in the officer's jurisdiction and protecting property of the District. *Education Code 37.081(d)(e)*

A peace officer may provide assistance to another law enforcement agency, and the District may contract with a political subdivision for the jurisdiction of District peace officers to include all territory in the jurisdiction of the political subdivision. *Education Code 37.081(c)*

MEMORANDUM OF UNDERSTANDING The District police department and the law enforcement agencies with which it has overlapping jurisdiction shall enter into a memorandum of understanding that outlines reasonable communication and coordination efforts among the department and the agencies. *Education Code 37.081(g)*

CHIEF OF POLICE The District's chief of police is accountable to the Superintendent and shall report to the Superintendent or designee. District police

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officers shall be licensed by TCLEOSE and be supervised by the District chief of police or the chief's designee. *Education Code 37.081(f)*

MOTOR VEHICLE
STOPS
REPORTS
REQUIRED

A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance shall report to the law enforcement agency that employs the officer information relating to the stop, including:

1. A physical description of any person operating the motor vehicle who is detained as a result of the stop, including:
 - a. The person's gender; and
 - b. The person's race or ethnicity, as stated by the person or, if the person does not state his or her race or ethnicity, as determined by the officer to the best of the officer's ability;
2. The initial reason for the stop;
3. Whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;
4. Whether any contraband or other evidence was discovered in the course of the search and a description of the contraband or evidence;
5. The reason for the search, including whether:
 - a. Any contraband or other evidence was in plain view;
 - b. Any probable cause or reasonable suspicion existed to perform the search; or
 - c. The search was performed as a result of the towing of the motor vehicle or the arrest of any person in the motor vehicle;
6. Whether the officer made an arrest as a result of the stop or the search, including a statement of whether the arrest was based on a violation of the Penal Code, a violation of a traffic law or ordinance, or an outstanding warrant and a statement of the offense charged;
7. The street address or approximate location of the stop; and
8. Whether the officer issued a written warning or a citation as a result of the stop.

Code of Criminal Procedure 2.133

The District police department shall compile and analyze the incident-based data contained in each report received by the department. Not later than March 1 of each year, the District police department shall submit a report containing the information compiled during the previous calendar year, in accordance with Code of Criminal Procedure 2.134, to the TCLEOSE and to the governing body of each county or municipality served by the department. *Code of Criminal Procedure 2.134*

CIVIL PENALTY

If the District's chief of police intentionally fails to submit the incident-based data as required by Code of Criminal Procedure 2.134, the agency is liable to the state for a civil penalty in the amount of \$1,000 for each violation. *Code of Criminal Procedure 2.1385(a)*

EXEMPTION

A peace officer and District's chief of police are exempt from the reporting requirements described above if:

1. During the calendar year preceding the date that the department's report is required to be submitted:
 - a. Each law enforcement motor vehicle regularly used by an officer employed by the department to make motor vehicle stops is equipped with video camera and transmitter-activated equipment and each law enforcement motorcycle regularly used to make motor vehicle stops is equipped with transmitter-activated equipment; and
 - b. Each motor vehicle stop made by an officer employed by the agency that is capable of being recorded by video and audio or audio equipment, as appropriate, is recorded by using the equipment; or
2. The governing body of the county or municipality served by the department, in conjunction with the department, certifies to the Texas Department of Public Safety (TDPS), not later than the date specified by rule by TDPS, that the department needs funds or video and audio equipment for the purpose of installing video and audio equipment and the department does not receive from the state funds or video and audio equipment sufficient, as determined by TDPS, for the department to accomplish that purpose.

Except as otherwise provided by this subsection, a District police department that is exempt from the reporting requirements shall retain the video and audio or audio documentation of each motor vehicle stop for at least 90 days after the date of the stop. If a complaint is filed with the department alleging that a District peace officer has engaged in racial profiling with respect to a motor vehi-

cle stop, the department shall retain the video and audio or audio record of the stop until final disposition of the complaint.

Code of Criminal Procedure 2.135

RACIAL PROFILING
PROHIBITION

A peace officer may not engage in racial profiling. *Code of Criminal Procedure 2.131*

DEPARTMENTAL
POLICY REQUIRED

Each district police department that employs peace officers who make traffic stops in the routine performance of the officer's official duties 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 department from engaging in racial profiling;
3. Implement a process by which an individual may file a complaint with the department if the individual believes that a peace officer employed by the department has engaged in racial profiling with respect to the individual;
4. Provide public education relating to the department's complaint process;
5. Require appropriate corrective action to be taken against a peace officer employed by the department who, after an investigation, is shown to have engaged in racial profiling in violation of the department'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 District's chief of police to submit an annual report of the information collected under item 6 to:
 - a. TCLEOSE; and
 - b. The governing body of each county or municipality served by the agency.

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On adoption of a racial profiling policy, the department shall examine the feasibility of installing video camera and transmitter-activated equipment in each department law enforcement motor vehicle regularly used to make motor vehicle stops and transmitter-activated equipment in each department law enforcement motorcycle regularly used to make motor vehicle stops. If the department installs video or audio equipment as provided by this subsection, the policy adopted by the department must include standards for reviewing video and audio documentation.

A report required under item 7 above may not include identifying information about a peace officer who makes a motor vehicle stop or about an individual who is stopped or arrested by a peace officer.

Code of Criminal Procedure 2.132

BONDING

A commissioned and assigned peace officer shall take and file the oath required of peace officers and execute and file the required \$1,000 bond, payable to the Board, conditioned on the officer's performance of his or her duties. *Education Code 37.081(h)*

CONTINUING
EDUCATION

If the District employs peace officers, it shall provide each officer with a continuing education program as required by Occupations Code Title 10, Chapter 1701, Subchapter H. *Occupations Code 1701, Subch. H*

COMPLAINT AGAINST
PEACE OFFICER

In order for a complaint against a District peace officer to be considered by the head of the District's police department, the complaint must be in writing and signed by the person making the complaint. A copy of the complaint shall be given to the officer within a reasonable time after it is filed and no disciplinary action shall be taken against the officer as a result of the complaint unless a copy is given to the officer. The officer may not be indefinitely suspended or terminated based on the subject matter of the complaint unless the complaint is investigated and there is evidence to prove the allegation of misconduct. *Gov't Code Ch. 614, Subch. B; Atty. Gen. Op. GA-251 (2004)*

On the commencement of an investigation by the District police department of a complaint that alleges that a peace officer employed by the department has engaged in racial profiling with respect to an individual and in which a video or audio recording of the occurrence on which the complaint is based was made, the department shall promptly provide a copy of the recording to the peace officer who is the subject of the complaint on written request by the officer. *Code of Criminal Procedure 2.132(f)*

[See DGBA, FNG, and GF for appeals.]

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NOTICE OF
EXPOSURE TO
COMMUNICABLE
DISEASE

A district that employs emergency medical service employees, paramedics, firefighters, law enforcement officers or correctional officers must post the required notice in the form specified by administrative rule, in its workplace to inform employees about Health and Safety Code requirements which may affect qualifying for workers' compensation benefits following a work-related exposure to a reportable communicable disease. *28 TAC 110.108*