

 El Paso Police Department Procedures Manual	Chapter 12: Constitutional Policing
1200 Bias Free Policing	Policy Effective: 01/00/2024 Previous Version:

1200 GENERAL

The primary responsibility of the officers of the El Paso Police Department is to protect the people within its jurisdiction and to uphold the Constitution of the United States, the Texas State Constitution and the laws derived therefrom. Employees will respect and uphold the dignity, human rights, and constitutional rights of all persons.

1200.1 DEFINITIONS

- A. **Biased policing:** Discrimination in the performance of law enforcement duties or delivery of police services, based on personal prejudices or partiality of agency personnel toward classes of people based on specified characteristics. Such characteristics include, but are not limited to, age, disability status, economic status, familial status, gender, gender identity, homelessness, mental illness, national origin, political ideology, race, ethnicity, or color, religion, or sexual orientation.
- B. **Bias Free Policing:** Conduct of agency personnel wherein all people are treated in the same manner under the same or similar circumstances irrespective of specified characteristics.

1200.2 PURPOSE

This policy establishes guidelines and operating procedures for employees when interacting with transgender and gender nonconforming individuals whether they are an employee or a member of the public. The police department will continue to provide constitutionally sound policing to all individuals regardless of age, disability, economic status, familial status, gender, gender identity, homelessness, mental illness, national origin, political ideology, race, ethnicity, color, religion, or sexual orientation.

1200.3 DEPARTMENTAL TRAINING

Every employee is responsible for knowing and complying with bias-free policing policies and the Chief of Police is tasked with reinforcing that bias-based policing is unacceptable. The Training Academy will conduct training yearly to all officers. Civilian employees will receive non-law enforcement related training. Training may include but not be limited to:

- A. Bias Free Policing
- B. EPPD policy 1200
- C. Gender diversity
- D. Respect of persons' choice
- E. Searches
- F. Sexual Harassment
- G. Whistleblower Policy
- H. Non-Discrimination Policy

1200.4 DISCRIMINATORY REFERENCES

- A. Department employees will exhibit professionalism and courtesy during all interactions with members of the public and fellow employees. Upon initial contact, whether on a call-for-service, traffic stop, or follow-up investigation officers may request a government issued ID and officers will ask the citizen how they prefer to be addressed. Monikers, slang and/or derogatory names will not be used by officers. Questions related to preferred pronouns should be asked in a respectful manner.
- B. Employees may make an initial assumption about an individual's gender identity based upon the individual's general appearance, including clothing, body characteristics, behavior, voice and hair cut/style.
- C. The police departments response to hate crime offenses can be found under section 421 of the El Paso Police Department Procedures Manual.

1200.5 SEARCHES, PHYSICAL ARREST AND TRANSPORTATION

- A. Employees conduct arrest, search, and transportation based on established departmental policies and procedures, Section 303 Stop and Frisk, Section 305 Arrests, and Section 306 Care, Transport and Booking of Prisoners of the El Paso Police Department Procedures Manual.
- B. Officers will not conduct any searches to determine an individual's sex.
- C. Two officers will be present for searches when feasible.
- D. Officers will not seize or remove appearance-related items from any individuals.
- E. Officers will transport and house individuals alone, whenever possible.
- F. When transferring custody of gender-diverse individuals to other law enforcement agencies, facility, or prisoner transport service the officer will confidentially, whether verbally or in-writing advise the receiving agency/officer that the individual is gender-diverse and will relay any relevant identification-related information, including how the individual would like to be addressed.

1200.6 ARREST AND INCIDENT REPORTS

When completing arrest and incident reports employees shall use the names of the persons as they are legally known. When officers learn that a person prefers to or uses a preferred name, employees shall note the information under alias in the name module.

1200.7 COMPLAINTS

Citizen complaints in response to allegations of bias-based policing or mistreatment will follow established policy and procedure as described in sections 901.1 and 902.1 of the El Paso Police Department Procedures Manual on documentation and investigation of complaints. Complaints may be filed with either Internal Affairs or any Departmental Supervisor. Supervisors receiving complaints on bias-based policing allegations will document the complaint on a blue team log. The log will be forwarded to Internal Affairs for disposition.

1200.8 QUARTERLY REPORTS

Internal Affairs will produce a quarterly report documenting the complaints received during each quarter of allegations of bias-based policing, along with the Department's efforts to prevent bias-based policing, and any disparate impacts of policing. The report will be forwarded to the City Attorney for review and ultimately available to the public on the El Paso Police Department's website.