



Racial Profiling Policy

ANGELO STATE UNIVERSITY POLICE DEPARTMENT

4.09.1 Purpose:

The purpose of this policy is to reaffirm the Angelo State University Police Department's commitment to unbiased policing in all encounters between its police officers and the public; to reinforce procedures that serve to ensure public confidence and mutual trust through the provisions of services in a fair and equitable fashion; and to protect our officers from unwarranted accusations of misconduct when they act within the dictates of department policy and the law.

4.09.02 Department Policy:

It is the policy of this department to police in a proactive manner and to aggressively investigate suspected violations of the law. Angelo State University police officers shall actively enforce state and federal laws in a responsible and professional manner and without regard to race, ethnicity or national origin. Officers are strictly prohibited from engaging in racial profiling as defined within this policy. This policy shall be applicable to all persons, whether drivers, passengers or pedestrians.

Angelo State University police officers shall conduct themselves in a dignified and respectful manner at all times when dealing with the public. Two fundamental rights guaranteed by both the United States and Texas constitutions are equal protection under the law and freedom from unreasonable searches and seizures. The right of all persons to be treated equally and to be free from unreasonable searches and seizures must be respected. Racial profiling is an unacceptable patrol tactic and is not condoned by this department.

This policy shall not preclude officers from offering assistance, such as observing a substance leaking from a vehicle, a flat tire, or someone who appears to be ill, lost or confused. Nor does this policy prohibit stopping someone suspected of a crime based upon observed actions and/or information received about a person from a witness.

This policy may be amended from time to time to reflect changes in applicable laws and to further direct members of the University Police Department.

4.09.03 Definitions:

"Racial Profiling"- A law enforcement 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.

Racial profiling pertains to persons who are viewed as suspects or potential suspects of criminal behavior. The term is not relevant as it pertains to witnesses, complainants or citizen contacts.

The prohibition against racial profiling does not preclude law enforcement officers from detaining or arresting any individual because an actual description of a specific suspect, for whom the officer is searching, contains racial, ethnic or national origin descriptors.

Detaining an individual and conducting an inquiry into that person's activities simply because of that individual's race, ethnicity or national origin constitutes racial profiling.

Examples of racial profiling include but are not limited to the following:

1. Citing a driver who is speeding in a stream of traffic, where most other drivers are speeding, because of the cited driver's race, ethnicity or national origin.
2. Detaining the driver of a vehicle based on the determination that a person of that race, ethnicity or national origin is unlikely to own or be in possession of a vehicle of that specific make, model or color.
3. Detaining an individual upon the determination that a person of that race, ethnicity or national origin does not belong in a specific part of town or location.

A law enforcement agency can derive two key principles from the adoption of this definition of racial profiling:

1. Police officers may not use racial or ethnic stereotypes as factors in selecting whom to stop and search. Police may use race in conjunction with other known factors of the suspect.
2. Racial profiling is not relevant as it pertains to witnesses, etc.

"Race or Ethnicity"- Of a particular decent, including Caucasian, African, Hispanic, Asian or Native American.

"Pedestrian Stop"- An interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.

"Traffic Stop"- A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance regulating traffic.

4.09.04 Department Training:

University police officers are responsible to adhere to all Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) and the Law Enforcement Management Institute of Texas (LEMIT) rules and requirements as mandated by law.

All officers shall complete a TCLEOSE training and racial profiling education program no later than the second anniversary of the date the officer is licensed under Chapter 1701 of the Texas Occupation Code or the date the officer applies for their intermediate proficiency certificate, whichever date is earlier.

A person who, on September 1, 2001, held a TCLEOSE intermediate proficiency certificate, or who had held a peace officer license issued by TCLEOSE for at least two years, shall complete a TCLEOSE training and racial profiling education program no later than September 1, 2003.

The Chief of Police, as part of the initial training and continued education for such an appointment, will be required to attend the LEMIT program on racial profiling.

An individual appointed as a Police Chief before the effective date of this Act shall complete the program on racial profiling established under Subsection (j), Section 96.641, Education Code, as added by this Act, no later than September 1, 2003.

4.09.05 Complaint Investigation Procedures:

A. The University Police Department shall accept complaints from any person who believes he or she has been stopped or searched based on racial, ethnic or national origins. No person shall be discouraged, intimidated or coerced from filing a complaint, nor discriminated against because he or she filed such a complaint.

B. Any employee of the department who is presented with 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 channels or direct the individual(s) to contact the Chief of University Police or his designee.

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 immediately report any allegation of racial profiling to their superior before the end of their shift.

C. Investigations 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 their complaint. Such dispositions should be made within a reasonable period of time. The investigative process shall be reduced to writing and any reviewer's comments or conclusions shall be filed with the Chief of Police. When applicable, findings and/or suggestions for disciplinary action, retraining, or changes in policy shall be filed with the Chief of Police.

D. 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 from the department.

E. If there is a departmental video or audio recording of the events, upon which the complaint of racial profiling is based, the officer may request, in writing, a copy of the

recording. Such a written request should be made to the Chief of Police or their designee.

4.09.06 Public Education:

The University Police Department will inform the public of its policy prohibiting racial profiling and the complaint process. Methods that may be utilized to inform the public include news media, radio, public presentations, the Internet, as well as any other appropriate governing board meetings. Additionally, information will be made available, as appropriate, in languages other than English.

4.09.07 Citation Data Collection and Reporting:

An officer is required to collect information related to traffic stops in which a citation is issued. On the citation, officers must include:

1. Violators race or ethnicity;
2. Whether a search was conducted;
3. Whether the search was consensual;
4. Whether an arrest was made as part of the search.

By March 1st of each year, the department shall submit a written report to the appropriate Vice President that includes the information gathered by the citations. The report shall include:

1. Breakdown of contacts by race or ethnicity;
2. Breakdown of citations issued by race or ethnicity;
3. Number of warnings issued by race or ethnicity;
4. Number of searches made by race or ethnicity;
5. Number of arrests made subsequent to a search

No later than March 31st of each year, this department shall submit a report to the Texas State University System Board of Regents containing this information from the preceding calendar year.

4.09.08 Collection and Reporting of Information:

An officer who stops a motor vehicle for an alleged violation of a law or ordinance regulating traffic, or who stops a pedestrian for any suspected offense, shall record and report the following information.

1. A physical description of each person detained as a result of the stop, including:
 - a. The person's gender;
 - b. The person's race or ethnicity, as stated by the person or as determined by the officer's best judgment.
2. The street address or approximate location of the stop.
3. The suspected offense or traffic violation

4. Whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search.
5. Whether contraband was discovered in the course of the search and, if so, a statement of the offense charged.
6. Whether the officer issued a warning or a citation as a result of the stop and, if so, a statement of the offense charged.

This department shall compile and analyze the information contained in these individual reports. No later than March 1st of each year, this department shall submit a report to the Texas State University System Board of Regents containing the information compiled from the preceding calendar year in a manner they approve. This report shall include:

1. A comparative analysis of the information contained in the individual reports in order to:
 1. Determine the prevalence of racial profiling by officers in this department; and
 2. Examine the disposition of traffic and pedestrian stops made by this department's officers, including searches resulting from stops.
2. Information relating to the number of complaints filed with this department alleging racial profiling.

The annual report will not include identifying information about a peace officer who makes a stop or about an individual who is stopped or arrested by a peace officer.



ANGELO STATE UNIVERSITY POLICE DEPARTMENT

RACIAL PROFILING COMPLAINT FORM

YOUR FULL NAME: _____
ADDRESS: _____
CITY: _____ STATE: _____ ZIP CODE: _____
PHONE: _____

LOCATION: _____
DATE: _____
TIME OF INCIDENT: _____

NATURE OF COMPLAINT: _____

Signature of Complaint

Date

For use by police department

Name/Rank of Person Accepting Complaint: _____

Date/Time Received: _____