



## ANGELO STATE UNIVERSITY POLICE DEPARTMENT

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### Statement on Racial Profiling

*The Angelo State University Police Department supports and adheres to Senate Bill 1074. This bill was designed and passed to address concerns regarding the practice of racial profiling in the law enforcement profession. Specifically, this bill mandates that police agencies in the State of Texas implement a policy that complies with Section 1, Articles 2.131, 2.133 and 2.134, of the Texas Code of Criminal Procedure. As such, the University Police Department has policies that address racial profiling and provides a complaint process for those who believe they have been stopped or searched based on racial, ethnic or national origin profiling.*

*Two of the fundamental rights guaranteed by the United States and Texas constitutions are equal protection under the law and freedom from unreasonable searches and seizures by government agents. 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 will not be condoned.*

*It is the practice of the University Police Department to police in a proactive and responsible manner and to enforce state and federal laws without regard to race, ethnicity or national origin. All university police officers are expected to conduct themselves in a dignified and respectful manner when dealing with the public.*

*The University Police Department will accept complaints from any person who believes he or she has been stopped or searched based on racial, ethnic or national origin profiling. Complaints should be directed to the University Police Department at (325)942-2071. All complaints will be investigated in a thorough and timely manner.*

Attached is a draft of the police department's complaint form and its policy on racial profiling.

James Adams  
Director of Public Safety  
Chief of University Police

## **Department Policy Manual Chapter 4.09**

### **Racial Profiling Prohibited**

#### **4.09.01 Purpose of Policy**

The purpose of the policy is to affirm the Angelo State University Police Department's commitment to unbiased policing in all its encounters between officer and any person; to reinforce procedures that serve to ensure public confidence and mutual trust through the provision 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 departmental policy and the law.

#### **4.09.02 Department Policy**

It is the policy of this department to enforce state and federal laws in a responsible and professional manner, without regard to race, ethnicity, or national origin. Officers are strictly prohibited from engaging in racial profiling as defined in this policy. This policy shall be applicable to all persons, whether drivers, passengers, or pedestrians.

University officers shall conduct themselves in a professional manner at all times when dealing with the public. Two of the fundamental rights guaranteed by both the United States and Texas Constitutions are equal protection under the law and freedom from unreasonable searches and seizures by government agents. 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 the department or university.

This policy shall not preclude an officer from offering assistance, nor does this policy prohibit stopping someone suspected of a crime based upon observed actions and/or information received about the person. The policy may be amended from time to time to reflect changes in applicable laws and to further direct members of the 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 other citizen contacts.

The prohibition against racial profiling does not preclude the use of race, ethnicity, or national origin as factors in a detention decision. Race, ethnicity, or national origin may be legitimate factors in a detention decision when used as part of an actual description of a specific suspect for whom an officer is searching. Detaining an individual and conducting an inquiry into that person's activities simply because of that individual's race, ethnicity, or national origin is racial profiling. Examples of racial profiling include but are not limited to the following:

- a. 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.
- b. 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 possess that specific make or model of vehicle.
- c. Detaining an individual based upon the determination that a person of that race, ethnicity, or national origin does not belong in a specific locale or a specific place.

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

1. Police may not use racial or ethnic stereotypes as factors in selecting whom to stop and search, while police may use race in conjunction with other known factors of the suspect.
2. Law enforcement officers may not use racial or ethnic stereotypes as factors in selecting whom to stop and search. 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      Training**

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

All officers shall complete a TCLEOSE training and education program on racial profiling not later than the second anniversary of the date the officer is licensed under Chapter 1701 of the Texas Occupations Code or the date the officer applies for an intermediate proficiency certificate, whichever is earlier.

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

#### **4.09.05      Complaint Investigation Process**

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

B. Any employee who receives 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 channel or direct the individual(s) as to the steps of filing a complaint. 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 report any allegation of racial profiling to their supervisor before the end of their shift.

C. Investigation 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 said complaint within a reasonable period of time. The investigation shall be reduced to writing and any reviewer's comments or conclusions shall be filed with the Chief. 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.

E. If there is a departmental video or audio recording of the events, upon which a complaint of racial profiling is based, upon commencement of an

investigation by into the complaint and written request of the officer made, the department shall promptly provide a copy of the recording to that officer.

**4.09.06      Public Education**

The University Police will inform the public of its policy against racial profiling and the complaint process. Methods that may be utilized to inform the public are the news media, radio, service or civic presentations, the Internet or any other media method deemed appropriate.

**4.09.07      Citation Data and Collection Process**

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

1.      The violator's race or ethnicity
2.      Whether a search was conducted
3.      Was the search consensual; and
4.      Arrest for this cited violation or other violations.

By March of each year, the department shall submit a report to the Vice President for Finance and Administration that includes the information gathered by the citations.

1.      A breakdown of citations by race or ethnicity
2.      Number of citations resulting in a search
3.      Number of consensual searches
4.      Number of citations resulting in custodial arrest for a cited violation or any other violation

**4.09.08      Use of Video and Video Equipment**

Each motor vehicle regularly used by this department to make traffic and pedestrian stops is equipped with video and transmitter-activated equipment.

Each traffic and pedestrian stop made by a University officer that is capable of being recorded by video and audio, as appropriate, is recorded.

This department shall retain the video and audiotapes of each traffic/pedestrian stop for at least 90 days after the date of the stop. If a complaint is filed alleging an officer has engaged in racial profiling, this department shall retain the video and audio tapes until final disposition of the complaint has been made. If a complaint alleging profiling is made, the department shall promptly provide a copy of the tape to the officer upon receiving written notice from the officer.

Shift supervisors will ensure that their officers are recording their traffic and pedestrian stops. Individual officers are responsible for processing and retaining their video/audio tapes for the 90 day period. Supervisors may randomly review any officer’s video/audio tapes upon request. All officers will complete a monthly profiling log and submit them to their supervisors at the end of each month. This report will include:

- a. location of the stop
- b. type of stop (traffic/pedestrian)
- c. was citation issued
- d. race of violator
- e. was search conducted
- f. was search consensual
- g. was an arrest made

Officers failing to record their traffic stops as prescribed by this policy and/or failing to complete their monthly reports will be subject to disciplinary action.

### **SAMPLE PERSONNEL COMPLAINT FORM**

**(Available Online For Submission)**

#### **Complainant’s Section:**

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Last Name	First Name	Middle Initial
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Street Address	City/State	Zip Code	Phone No.
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Location Where Alleged Incident(s) occurred:	Date of Incident(s)	Time of Incident(s)
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Do you desire a written response?    YES    NO

Do you wish to know the final disposition of your complaint?    YES    NO

Are you alleging any racial profiling as part of your complainant?    YES    NO

#### **If someone was arrested, fill out the section below:**

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Last Name (Arrested Person)	First Name	Middle Initial
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Street Address	City/State	Zip Code	Phone No.
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Indicate your relationship to the arrested person: \_\_\_\_\_

