



SMU

Police Department

Date: February 10, 2016

To: Texas Commission on Law Enforcement Officer Standards and Education

From: Southern Methodist University Police Department

Re: 2015 Racial Profiling Report

In accordance with Article 2.131-2.138, Texas Code of Criminal Procedure, Racial Profiling Reports must be submitted to the Texas Commission on Law Enforcement Officer Standards and Education and to the agencies governing body. The Racial Profiling Report must also contain information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

Please find included with this statement information and statistics relating to contacts made by the agency related to motor vehicle stops and information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

Chief of Police Richard A. Shafer



SOUTHERN METHODIST UNIVERSITY POLICE DEPARTMENT

STANDARDS AND GENERAL ORDERS

Subject BIAS BASED PROFILING		General Order Number GO-0020
IACLEA Standards 4.1.3		
Effective Date July 1, 2009	Revision Date July 1, 2011	
Approval Richard A. Shafer, Chief of Police		Pages 3

20.01 Policy Statement

It is the policy of this department to police in a proactive manner and to aggressively investigate suspected violations of law. Officers shall actively enforce state and federal laws in a responsible and professional manner without regard to race, ethnicity, national origin or any other bias.

Officers shall conduct themselves in a dignified and respectful 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. Bias-based profiling is an unacceptable patrol tactic and will not be condoned.

This policy shall not preclude officers from offering assistance to persons, nor does this policy prohibit stopping someone suspected of a crime based upon observed actions and/or information received about the person.

20.02 Purpose

The purpose of this policy is to reaffirm the Southern Methodist University Police Department's commitment to unbiased policing in all its encounters between officers 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.

20.03 DEFINITIONS

Bias - Bias is the selection of individuals based solely on a common trait of a group. This includes but is not limited to race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group or any other identifiable groups.

Bias Based Profiling - A law enforcement initiated action based on an individual's race, ethnicity, national origin or other bias rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity. Bias-based profiling pertains to persons who are viewed as suspects or potential suspects of criminal behavior, to include traffic contacts, field contacts, and asset seizure and forfeiture efforts. The term is not relevant as it pertains to witnesses, complainants, or other citizen contacts.

Race or Ethnicity - A person of a particular descent including, but not limited to Caucasian, African, Asian, Hispanic, 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, but 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.

20.04 PROHIBITION

A. The use of bias-based profiling in traffic contacts, field contacts, and in asset seizure and forfeiture is explicitly prohibited.

- B. The prohibition against bias-based profiling does not preclude the use of race, ethnicity or national origin, etc. as factors in a detention decision. Race, ethnicity or national origin, etc. 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, national origin, or bias is bias-based profiling. Examples of bias-based 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 possesses that specific make or model of vehicle
 - 3. Detaining an individual based upon the determination that a person of that race, ethnicity, or national origin does not belong in a specific part of town or a specific place.
- C. A law enforcement agency can derive two principles from the adoption of this definition of bias-based profiling:
 - 1. Police may not use racial or ethnic stereotypes or any form of bias as factors in selecting whom to stop and search; however, police may use race, ethnicity, or national origin in conjunction with other known factors of the suspect.
 - 2. Law enforcement officers may not use racial or ethnic stereotypes or any form of bias as factors in selecting whom to stop and search. Bias-based profiling is not relevant as it pertains to witnesses, etc.

20.05 TRAINING

- A. Officers shall adhere to all Texas Commission on Law Enforcement Officer Standards and Education (TCOLE) training and the Law Enforcement Management Institute of Texas (LEMIT) requirements, as mandated by law.
- B. All officers shall complete TCOLE training and education program on racial profiling no 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 date is earlier. A person who, on September 1, 2001, held a TCOLE intermediate proficiency certificate, or who had held a peace officer license issued by TCOLE for at least two years, shall complete a TCOLE training and education program on racial profiling no later than September 1, 2003.
- C. 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.
- D. An individual appointed or elected 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 of the Education Code, as added by this Act, no later than September 1, 2003.
- E. Annually, the Department shall include profiling related training that should include field contacts, traffic stops, search issues, asset seizure and forfeiture, interview techniques, cultural diversity, discrimination, and community support.

20.06 COMPLAINT INVESTIGATION

- A. The department shall accept complaints from any person who believes he or she has been stopped or searched based on racial, ethnic, national origin, or bias based profiling. 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 who receives an allegation of bias-based profiling, including the officer who initiated the stop, shall record the person's name, address and telephone number, and forward the complaint to his or her supervisor. In addition, the person with a complaint should be directed to the Chief of Police. Any employee contacted shall provide to that person the department process for filing a complaint and where possible, provide that person with a copy of the department complaint form. All employees will report any allegation of bias-based profiling to their superior 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. All findings and/or suggestions for disciplinary action, retraining, or policy changes shall be forwarded to the Chief of Police.
- D. Should a bias-based profiling complaint be sustained against an officer, it will result in appropriate corrective and/or disciplinary action, up to and including termination. (Examples of corrective action include but are not limited to remedial training, cultural diversity training, etc.)

20.07 PUBLIC EDUCATION

The SMU PD will inform the public of its policy against bias-based profiling and the complaint process. Methods that may be utilized to inform the public are the news media, service or organization presentations, the Internet, campus meetings, and the department web page. Additionally, information will be made available in languages other than English.

20.08 CITATION DATA COLLECTION AND REPORTING

- A. An officer is required to collect information relating to traffic stops in which a citation is issued. Along with each citation, officers must include the following information:
1. Violation;
 2. Violator's race or ethnicity;
 3. Whether a search was conducted;
 4. Was the search consensual;
 5. Arrest; and
 6. Other violation
- B. Not later than March 1st of each year, the department shall submit a report to the Chief of Police that includes the information gathered by the citations from the preceding year. The report will include:
1. A breakdown of citations by race or ethnicity;
 2. Number of citations that resulted in a search;
 3. Number of searches that were consensual; and
 4. Number of stops that resulted in custodial arrest for other violations.
 5. Number of Bias Based Profiling complaints filed against officers and the outcome of any related investigation.
- C. Each quarter the department will compile a comparative report, by Officer, of Citation Data Collection information. The Patrol Division Commander will review this information along with any concerns that may have been expressed by citizens and take appropriate action where indicated.

20.09 COLLECTING AND REPORTING INFORMATION

Each SMU PD Patrol Officer will complete a racial profiling report (see form below) when contact is made with an individual. The Officer will also place this information in ARMS along with their report, if a report was completed. This is in compliance with the reporting requirements under the Code of Criminal Procedure Article 2.133.

20.10 ANNUAL ADMINISTRATIVE REVIEW

Each year the Administrative Staff will review Biased Based Profiling Directives and department practices including citizen complaints and/or concerns, and recommend improvements to address deficiencies.

RACIAL PROFILING REPORT**Officer Record of Stop****Officer badge #** _____

DATE: _____ TIME: _____ LOCATION: _____

Type of Stop: (circle) Traffic/ Pedestrian Reason for Stop: _____

Citation Issued or Written Warning Issued: (circle) YES/NO **Search Conducted:** (circle) YES/NO

Describe Probable Cause: _____ Consent to Search Given: (circle) YES/NO

Was Contraband found?: (circle) YES/NO Describe Contraband: _____

Race/Ethnicity of Detained Person: (circle) W B H A ME A

Race/Ethnicity known prior to stop? YES/NO

Gender: (circle) Male/ Female

Arrest Made: (circle) YES/ NO

Racial Profiling Reporting

Gender:	<u>228</u>	Female	
	<u>473</u>	Male	
			<u>701</u> Total
Race or Ethnicity:	<u>115</u>	African	
	<u>56</u>	Asian	
	<u>445</u>	Caucasian	
	<u>57</u>	Hispanic	
	<u>24</u>	Middle Eastern	
	<u>4</u>	Native American	
			<u>701</u> Total
Race or Ethnicity known prior to stop?	<u>88</u>	Yes	
	<u>613</u>	No	
			<u>701</u> Total
Reason to stop:	<u>62</u>	Violation of law other than traffic	
	<u>19</u>	Pre-existing knowledge (i.e. warrant)	
	<u>421</u>	Moving Traffic Violation	
	<u>199</u>	Vehicle Traffic Violation (Equipment, Inspection or Registration)	
			<u>701</u> Total
Search Conducted?	<u>23</u>	Yes	
	<u>678</u>	No	
			<u>701</u> Total
Reason to search: (choose 1 for each search)	<u>11</u>	Consent	
	<u>1</u>	Contraband/evidence in plain sight	
	<u>5</u>	Probable cause or reasonable suspicion	
	<u>3</u>	Inventory search performed as result of towing	
	<u>3</u>	Incident to arrest/warrant	
			<u>23</u> Total
Contraband discovered?	<u>4</u>	Yes	
	<u>19</u>	No	
			<u>23</u> Total

Description of Contraband (chose only one)	<u>3</u>	Illegal drugs/drug paraphernalia	
		Currency	
		Weapons	
	<u>1</u>	Alcohol	
		Stolen property	
	<u> </u>	Other	
			<u>4</u> Total

Arrest result of stop or search	<u>8</u>	Yes	
	<u>693</u>	No	
			<u>701</u> Total

Arrest based on:	<u>2</u>	Violation of the Penal Code	
	<u>3</u>	Violation of a Traffic Law	
		Violation of City Ordinance	
	<u>3</u>	Outstanding Warrant	
			<u>8</u> Total

Street address or approximate location of the stop:	<u>331</u>	City Street	
		US Highway	
		County Road	
	<u>370</u>	Private Property or Other	
			<u>701</u> Total

Written warning or a citation as a result of the stop:	<u>102</u>	Yes	
	<u>599</u>	No	
			<u>701</u> Total