

RACIAL PROFILING STATISTICAL REPORT

(AS REQUIRED BY TEXAS CODE OF CRIMINAL PROCEDURE CHAPTER 2: ARTICLE 2.134)



JANUARY 01, 2015 – DECEMBER 31, 2015

HOUSTON INDEPENDENT SCHOOL DISTRICT
POLICE DEPARTMENT

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HOUSTON INDEPENDENT SCHOOL DISTRICT POLICE DEPARTMENT

3500 Tampa St.
Houston, TX 77021
www.houstonisd.org



Robert J. Mock
Chief of Police
January 6, 2014

The HISD Police Department, in accordance with the Texas Racial Profiling LAW (CCP Art 2.132), has been collecting data for the purpose of identifying and responding, if necessary, to concerns regarding racial profiling practices. It is my belief that the findings provided in this report will serve as evidence that the HISD Police Department continues to strive towards the goal of maintaining strong relationships with the communities we serve.

This report will provide several sections designed to provide background information on our organization and the rationale and objectives of the Texas Racial Profiling Report. In addition, this report also contains statistical data relevant to the public contacts made during the period January 1, 2015 through December 31, 2015.





Chief of Police

HISD Police Department Background

Founded in 1971, The HISD Police Department has been dedicated to the task of providing a safe environment for over 215,000 HISD students along with its faculty, staff, visitors, and residents of the communities it serves. The department is comprised of over 200 officers and 44 civilian staff. In addition the Department is responsible for the management of over 600 school crossing guards. The jurisdiction of the HISD Police Department include almost half of the City of Houston (49.9%), and all the cities of Bellaire, Southside Place, West University place, and half of Jacinto City, Texas. The Department has three (3) divisions- Patrol Operations, Support Services, and Business Operations. These divisions cover a magnitude of duties such as Patrol, Investigations, Gang Suppression, Crime Analysis, Training and Community Relations, among others. **The HISD Police Department is currently the only school district police department Internationally Accredited Agency by the Commission on Accreditation for Law Enforcement Agencies.** In addition, the HISD Police Department operates a Texas certified Training Facility - to which outside Peace Officers can attend training required to maintain their Texas certification.

The Texas Law on Racial Profiling

AN ACT

relating to electronic transmission of documentation involved in certain insurance transactions.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 35.001, Insurance Code, is amended by amending Subdivision (2) and adding Subdivisions (3), (4), and (5) to read as follows:

(2) "Regulated entity" means each insurer, ~~[or other]~~ organization, person, or program regulated by the department, including:

(A) a domestic or foreign, stock or mutual, life, health, or accident insurance company;

(B) a domestic or foreign, stock or mutual, fire or casualty insurance company;

(C) a Mexican casualty company;

(D) a domestic or foreign Lloyd's plan;

(E) a domestic or foreign reciprocal or interinsurance exchange;

(F) a domestic or foreign fraternal benefit society;

(G) a domestic or foreign title insurance company;

(H) an attorney's title insurance company;

(I) a stipulated premium company;

(J) a nonprofit legal service corporation;

(K) a health maintenance organization;

(L) a statewide mutual assessment company;

(M) a local mutual aid association;

(N) a local mutual burial association;

(O) an association exempt under Section 887.102;

(P) a nonprofit hospital, medical, or dental service corporation, including a company subject to Chapter 842;

(Q) a county mutual insurance company; ~~[and]~~

(R) a farm mutual insurance company; and

(S) an agency or agent of an insurer, organization, person, or program described by this subdivision.

(3) "Deliver by electronic means" means:

(A) deliver to an e-mail address at which a party has consented to receive notices, documents, or information; or

(B) post on an electronic network or Internet website accessible by an electronic device, including a computer, mobile device, or tablet, and deliver notice of the posting to an e-mail address at which the party has consented to receive notices.

(4) "Party" means a recipient, including an applicant, insured, policyholder, enrollee, or annuity contract holder, of a notice or document or of information required as part of an insurance transaction.

(5) "Written communication" means a notice or document or other information provided in writing.

SECTION 2. Chapter 35, Insurance Code, is amended by

amending Section 35.004 and adding Section 35.0045 to read as follows:

Sec. 35.004. MINIMUM STANDARDS FOR REGULATED ENTITIES ELECTRONICALLY CONDUCTING BUSINESS WITH CONSUMERS.

(a) Subject to Subsection (c), a notice to a party or other written communication with a party required in an insurance transaction or that is to serve as evidence of insurance coverage may be delivered, stored, and presented by electronic means only if the delivery, storage, or presentment complies with Chapter 322, Business & Commerce Code.

(b) Delivery of a written communication in compliance with this section is equivalent to any delivery method required by law, including delivery by first class mail, first class mail, postage prepaid, or certified mail.

(c) A written communication may be delivered by electronic means to a party by a regulated entity under this section if:

(1) the party affirmatively consented to delivery by electronic means and has not withdrawn the consent;

(2) the party, before giving consent, is provided with a clear and conspicuous statement informing the party of:

(A) any right or option the party may have for the written communication to be provided or made available in paper or another nonelectronic form;

(B) the right of the party to withdraw consent under this section and any conditions or consequences imposed if consent is withdrawn;

(C) whether the party's consent applies:

(i) only to a specific transaction for which the written communication must be given; or

(ii) to identified categories of written communications that may be delivered by electronic means during the course of the relationship between the party and the regulated entity;

(D) the means, after consent is given, by which a party may obtain a paper copy of a written communication delivered by electronic means; and

(E) the procedure a party must follow to:

(i) withdraw consent under this section;

and

(ii) update information needed for the regulated entity to contact the party electronically; and

(3) the party:

(A) before giving consent, is provided with a statement identifying the hardware and software requirements for the party's access to and retention of a written communication delivered by electronic means; and

(B) consents electronically or confirms consent electronically in a manner that reasonably demonstrates that the party can access a written communication in the electronic form used to deliver the communication.

(d) After consent of the party is given, in the event a change in the hardware or software requirements to access or retain a written communication delivered by electronic means creates a material risk that the party may not be able to access or retain a

subsequent written communication to which the consent applies, the regulated entity shall:

(1) provide the party with a statement:

(A) identifying the revised hardware and software requirements for access to and retention of a written communication delivered by electronic means; and

(B) disclosing the right of the party to withdraw consent without the imposition of any condition or consequence that was not disclosed under Subsection (c) (2) (B); and

(2) comply with Subsection (c) (3).

(e) This section does not affect requirements for content or timing of any required written communication.

(f) If a written communication provided to a party expressly requires verification or acknowledgment of receipt, the written communication may be delivered by electronic means only if the method used provides for verification or acknowledgment of receipt.

(g) The legal effectiveness, validity, or enforceability of any contract or policy of insurance executed by a party may not be denied solely due to the failure to obtain electronic consent or confirmation of consent of the party in accordance with Subsection (c) (3) (B).

(h) A withdrawal of consent by a party does not affect the legal effectiveness, validity, or enforceability of a written communication delivered by electronic means to the party before the withdrawal of consent is effective. A withdrawal of consent is effective within a reasonable period of time after the date of the receipt by the regulated entity of the withdrawal. Failure by a regulated entity to comply with Subsection (d) may be treated by the party as a withdrawal of consent.

(i) If the consent of a party to receive a written communication by electronic means is on file with a regulated entity before September 1, 2013, and if the entity intends to deliver to the party written communications under this section, then before the entity may deliver by electronic means additional written communications, the entity must notify the party of:

(1) the written communications that may be delivered by electronic means that were not previously delivered by electronic means; and

(2) the party's right to withdraw consent to have written communications delivered by electronic means.

(j) Except as otherwise provided by law, an oral communication or a recording of an oral communication may not qualify as a written communication delivered by electronic means for purposes of this chapter.

(k) If a signature on a written communication is required by law to be notarized, acknowledged, verified, or made under oath, the requirement is satisfied if the electronic signature of the notary public or other authorized person and the other required information are attached to or logically associated with the signature or written communication.

Sec. 35.0045. RULES. [~~(a)~~] The commissioner shall adopt rules necessary to implement and enforce this chapter.

[~~(b)~~] -- The rules adopted by the commissioner under this section must include rules that establish minimum standards with

~~which a regulated entity must comply in the entity's electronic conduct of business with other regulated entities and consumers.]~~

SECTION 3. Chapter 35, Insurance Code, is amended by adding Section 35.005 to read as follows:

Sec. 35.005. EXEMPTION FROM CERTAIN FEDERAL LAWS. This chapter modifies, limits, or supersedes the provisions of the federal Electronic Signatures in Global and National Commerce Act (15 U.S.C. Section 7001 et seq.) as authorized by Section 102 of that Act (15 U.S.C. Section 7002).

SECTION 4. This Act applies only to a written communication that is delivered by electronic means on or after January 1, 2014. A written communication delivered by electronic means before January 1, 2014, is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 5. This Act takes effect September 1, 2013.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1074 passed the Senate on April 11, 2013, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 22, 2013, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1074 passed the House, with amendment, on May 17, 2013, by the following vote: Yeas 134, Nays 0, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor

Racial Profiling Training

LESSON PLAN COVER SHEET

Course Title Racial Profiling

Lesson Title Asset Forfeiture & Racial Profiling

Instructor(s) Officers Stephen Smith & Antony Davis

Prepared by S.L. Naulings

Date Prepared August 2015

<p>Time Frame</p> <p>Total: <u>4</u> hrs.</p> <p>Suggested Schedule:</p> <p>Prerequisite Experience: Certified Law Enforcement</p>	<p>Target Population (describe target population) Law Enforcement Officers</p> <p>Number of Students (Minimum/Maximum) 5-25</p> <p>Space Requirements (Amount of Space, type of room set-up, breakout rooms, etc.) Room set-up to accommodate maximum amount of students.</p>
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<p>Learning Objectives:</p> <p>By the end of the presentation, participants will be able to identify:</p> <ul style="list-style-type: none"> • The legislative requirements placed upon peace officers and law enforcement agencies regarding racial profiling. • Supreme Court decisions and other court decisions involving appropriate actions in traffic stops. • Logical and social arguments against racial profiling. • Elements of a racially-motivated traffic stop. • Elements of a traffic stop which constitute reasonable suspicion of drug courier activity. • Elements of a traffic stop which could constitute reasonable suspicion of criminal activity. 	<p>Evaluation Procedures:</p> <p>(How the completion of the objectives will be evaluated)</p> <ol style="list-style-type: none"> 1. Evaluation will be accomplished through classroom interaction and written test. A minimum passing score of 70% is required to receive credit to this class. 2. Each student will be asked to complete a course and instructor evaluation form.
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Lesson Plan Cover Sheet

Lesson Title: Asset Forfeiture & Racial Profiling

<p>Methods/Strategies:</p> <p>Classroom Lecture & Verbal Interaction Exercises</p>

<p>Training Materials:</p> <ol style="list-style-type: none"> 1. Lesson Plan 2. Post it Table top Easel Pad/Markers 3. Power-point Presentation of this material 4. Handout of Power Point Slides for students 5. Demonstration and Practical Exercises 	<p>References:</p> <ul style="list-style-type: none"> • Personal Experiences • Departmental Directives #422-119B • Proactive Field Stops Training Unit-Instructor’s Guide, Maryland Police and Correctional Training Commissions, 2001 • Web address for legislation 77R-SB1074: http://tlo2.tlc.state.tx.us/tlo/77r/billtext/SB01074f.htm
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Equipment and Supplies Needed:

- Lap-top computer
- Power Point Presentation, Lesson Plan, Flash Drive
- LCD Projector with remote for video/PowerPoint presentation
- Screen
- Audio equipment (e.g. microphone and speaker system) for instructor and for audio/video presentation if needed)

Student Materials and Handouts (e.g., manual page numbers):

1. Related hand-outs
2. A printed copy of the slide presentation for note taking
3. Evaluation Forms

Lesson Title: Asset Forfeiture & Racial Profiling

Presentation Guide	Notes to Instructor										
<p>Goal: The student will be able to identify the legal aspects of racial profiling.</p> <p>Learning Objective: The student will be able to identify the legislative requirements placed upon peace officers and law enforcement agencies regarding racial profiling.</p>											
<table border="1"> <tr> <td>Racial profiling</td> <td>CCP 3.05</td> </tr> <tr> <td>Racial profiling prohibited</td> <td>CCP 2.131</td> </tr> <tr> <td>Law enforcement policy on racial profiling</td> <td>CCP 2.132</td> </tr> <tr> <td>Reports required for traffic and pedestrian stops</td> <td>CCP 2.133</td> </tr> <tr> <td>Liability</td> <td>CCP. 2.136</td> </tr> </table>	Racial profiling	CCP 3.05	Racial profiling prohibited	CCP 2.131	Law enforcement policy on racial profiling	CCP 2.132	Reports required for traffic and pedestrian stops	CCP 2.133	Liability	CCP. 2.136	
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Liability	CCP. 2.136										

Racial profiling education for police chiefs	Education Code 96.641
Training program	Occupations Code 1701.253
Training required for intermediate certificate	Occupation Code 1701.402
Definition of "race or ethnicity" for form	Transportation Code 543.202

- A. Written departmental policies
 - Definition of what constitutes racial profiling
 - Prohibition of racial profiling
 - Complaint process
 - Public education
 - Corrective action
 - Collection of traffic-stop statistics
 - Annual reports
- B. Not prima facie evidence
- C. Feasibility of use of video equipment
- D. Data does not identify officer
- E. Copy of complaint-related video evidence to officer in question
- F. Vehicle stop report
 - 1. Physical description of detainees: gender, race or ethnicity
 - 2. Alleged violation
 - 3. Consent to search
 - 4. Contraband
 - 5. Facts supporting probable cause
 - 6. Arrest
 - 7. Warning or citation issued
- G. Compilation and analysis of data
- H. Exemption from reporting-audio/video equipment
- I. Officer non-liability
- J. Funding
- K. Required training in racial profiling
 - 1. Police chiefs

<p>2. All holders of intermediate certificates and/or two-year-old licenses as of 09/01/2001 (training to be completed no later than 09/01/2003)</p> <p>Learning Objective: The student will become familiar with Supreme Court decisions and other court decisions involving appropriate actions in traffic stops.</p> <p>A. Whren v. United States, 517 U.S. 806, 116 S.Ct. 1769 (1996)</p> <ol style="list-style-type: none"> 1. Motor vehicle search exemption 2. Traffic violation acceptable as pretext for further investigation 3. Selective enforcement can be challenged <p>B. Terry v. Ohio, 392 U.S. 1, 88 S.Ct. 1868 (1968)</p> <ol style="list-style-type: none"> 1. Stop & Frisk doctrine 2. Stopping and briefly detaining a person 3. Frisk and pat down <p>C. Other cases</p> <ol style="list-style-type: none"> 1. Pennsylvania v. Mimms, 434 U.S. 106, 98 S.Ct. 330 (1977) 2. Maryland v. Wilson, 117 S.Ct. 882 (1997) 3. Graham v. State, 119 MdApp 444, 705 A.2d 82 (1998) 4. Pryor v. State, 122 Md.App. 671 (1997) cert. denied 352 Md. 312, 721 A.2d 990 (1998) 5. Ferris v. State, 355 Md. 356, 735 A.2d 491 (1999) 6. New York v. Belton, 453 U.S. 454 (1981) <p>RACIAL PROFILING AND THE COMMUNITY</p> <p>UNIT GOAL: The student will be able to identify logical and social arguments against racial profiling.</p> <p>Learning Objective: The student will be able to identify logical and social arguments against racial profiling.</p> <p>A. There are appropriate reasons for unusual traffic stops (suspicious behavior, the officer's intuition, MOs, etc.), but police work must stop short of cultural stereotyping and racism</p> <p>B. Racial profiling would result in criminal arrests, but only because it would target all members of a race randomly – the minor benefits would be far outweighed by the distrust</p>	<p>See legislation 77R-SB1074</p>
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and anger towards law enforcement by minorities and the public as a whole

- C. Racial profiling is self-fulfilling bad logic: if you believed that minorities committed more crimes, then you might look for more minority criminals, and find them in disproportionate numbers
- D. Inappropriate traffic stops generate suspicion and antagonism towards officers and make future stops more volatile – a racially-based stop today can throw suspicion on tomorrow's legitimate stop
- E. By focusing on race, you would not only be harassing innocent citizens, but overlooking criminals of all races and backgrounds – it is a waste of law enforcement resources

RACIAL PROFILING VERSUS REASONABLE SUSPICION

UNIT GOAL: The student will be able to identify the elements of both inappropriate and appropriate traffic stops.

Learning Objective: The student will be able to identify elements of a racially-motivated traffic stop.

- A. Most race-based complaints come from vehicle stops, often since race is used as an inappropriate substitute for drug courier profile elements
- B. "DWB" – "Driving While Black" – a nickname for the public perception that a Black person may be stopped solely because of their race (especially with the suspicion that they are a drug courier), often extended to other minority groups or activities as well ("Driving While Brown," "Flying While Black," etc.)
- C. A typical traffic stop resulting from racial profiling
 1. The vehicle is stopped on the basis of a minor or contrived traffic violation which is used as a pretext for closer inspection of the vehicle, driver, and passengers
 2. The driver and passengers are questioned about things that do not relate to the traffic violation
 3. The driver and passengers are ordered out of the vehicle
 4. The officers visually check all observable parts of the vehicle

5. The officers proceed on the assumption that drug courier work is involved by detaining the driver and passengers by the roadside
6. The driver is asked to consent to a vehicle search – if the driver refuses, the officers use other procedures (waiting on a canine unit, criminal record checks, license-plate checks, etc.), and intimidate the driver (with the threat of detaining him/her, obtaining a warrant, etc.)

Learning Objective: The student will be able to identify elements of a traffic stop which would constitute reasonable suspicion of drug courier activity.

- A. Drug courier profile (adapted from a profile developed by the DEA)
 1. Driver is nervous or anxious beyond the ordinary anxiety and cultural communication styles
 2. Signs of long-term driving (driver is unshaven, has empty food containers, etc.)
 3. Vehicle is rented
 4. Driver is a young male, 20-35
 5. No visible luggage, even though driver is traveling
 6. Driver was over-reckless or over-cautious in driving and responding to signals
 7. Use of air fresheners
- B. Drug courier activity indicators by themselves are usually not sufficient to justify a stop

Learning Objective: The student will be able to identify elements of a traffic stop which could constitute reasonable suspicion of criminal activity.

- A. Thinking about the totality of circumstances in a vehicle stop
- B. Vehicle exterior
 1. Non-standard repainting (esp. on a new vehicle)
 2. Signs of hidden cargo (heavy weight in trunk, windows do not roll down, etc.)
 3. Unusual license plate suggesting a switch (dirty plate, bugs on back plate, etc.)
 4. Unusual circumstances (pulling a camper at night, kids' bikes with no kids, etc.)
- C. Pre-stop indicators
 1. Not consistent with traffic flow
 2. Driver is overly cautious, or driver/passengers repeatedly look at police car

<ul style="list-style-type: none">3. Driver begins using a car- or cell-phone when signaled to stop4. Unusual pull-over behavior (ignores signals, hesitates, pulls onto new street, moves objects in car, etc.) <p>D. Vehicle interior</p> <ul style="list-style-type: none">1. Rear seat or interior panels have been opened, there are tools or spare tire, etc.2. Inconsistent items (anti-theft club with a rental, unexpected luggage, etc.)	
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HISD Police Department Policy Statement



It is the policy of this department to police in a proactive manner and to aggressively investigate suspected violations of the law. Officers shall actively enforce local, state, and federal laws in a responsible and professional manner, without regard to race, ethnicity, sexual orientation or national origin. Officers are strictly prohibited from engaging in racial profiling as defined in this policy. Racial profiling is an unacceptable police tactic and will not be condoned.

This Written Directive is adopted in compliance with the requirements of Articles 2.131 through 2.136, Texas Code of Criminal Procedure, which prohibits Texas peace officers from engaging in racial profiling. (HISD policy and procedures included in this report)

	<p>DEPARTMENTAL DIRECTIVES</p> <p>HOUSTON INDEPENDENT SCHOOL DISTRICT POLICE DEPARTMENT</p>	
<p>DIRECTIVE 422-119</p>	<p>EFFECTIVE DATE: FEBRUARY 20, 2003</p>	<p>REVISED MARCH 28, 2011</p>
<p>SUBJECT: RACIAL BIASED BASED OR ETHNIC PROFILING</p>		

I. Purpose

The purpose of this written directive is to reaffirm the Houston Independent School District Police Department’s commitment to unbiased policing; to reinforce procedures that serve to ensure public confidence, and mutual trust; and to protect our officers from unwarranted accusations of misconduct when they act within the dictates of departmental policy and the law.

II. Applicability

This directive applies to all Houston Independent School District Police Department Personnel.

III. Policy

It is the policy of this department to police in a proactive manner and to aggressively investigate suspected violations of the law. Officers shall actively enforce local, 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. Racial profiling is an unacceptable police tactic and will not be condoned.

- A. This Written Directive is adopted in compliance with the requirements of Articles 2.131 through 2.136, Texas Code of Criminal Procedure, which prohibits Texas peace officers from engaging in racial profiling.

IV. Definitions

- A. Racial Profiling - A law enforcement-initiated action based on an individual’s race, 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, persons needing assistance, or other citizen contacts;
- B. Acts Constituting Racial Profiling - Acts initiating law enforcement action, such as a traffic stop, a detention, a search, issuance of a citation, or an arrest based solely upon an individual’s race, ethnicity, national origin, or on the basis of racial or ethnic stereotypes, rather than upon the individual’s behavior, information identifying the

- individual as having possibly engaged in criminal activity, or other lawful reasons for the law enforcement action;
- C. Pedestrian Stop - An interaction between a peace officer and an individual who is being detained for the purposes of a criminal investigation in which the individual is not under arrest;
 - D. Race or Ethnicity - Persons of a particular descent including Caucasian, African, Hispanic, Asian, Middle Eastern, or Native American descent; and
 - E. Motor Vehicle Contact – An occasion in which a peace officer stops a motor vehicle for an alleged violation of law or ordinance; a contact is one where a citation is issued or arrest is made as a result of the motor vehicle stop. Ethnicity, or national origin rather than on the individual's behavior or on information.

V. Prohibition

Police Officers of the HISD Police Department are strictly prohibited from engaging in racial profiling. The prohibition against racial profiling does not preclude the use of race, ethnicity or national origin as factors in a detention decision by an officer. Race, ethnicity or national origin may be legitimate factors in such a decision when used as part of a description of a suspect or witness for whom an officer is searching.

VI. Complaint Process

No person shall be discouraged, intimidated or coerced from filing a complaint, or be discriminated against because they have filed a complaint.

- A. Any person who believes that a peace officer employed by the HISD Police Department has engaged in racial profiling with respect to that person, may file a complaint in the Internal Affairs Division, discipline/complaints against police personnel;
- B. An employee who is contacted regarding a complaint against an officer shall contact the Internal Affairs Division. Investigation of externally originated complaints;
- C. "How to File a Complaint" brochures are maintained in the HISD Police Department lobby. Citizens may also be directed to the Departmental website to file a complaint www.houstonisd.org;
- D. Any supervisor who becomes aware of an alleged or suspected violation of this written directive shall report the alleged violation to the HISD Police Department Internal Affairs Division;
- E. Complaints of racial profiling shall be classified as a Level I complaint, and shall be investigated by the Internal Affairs Division, unless otherwise directed by the Chief of Police. A log of all Racial Profiling complaints will be maintained by the Internal Affairs Division.

VII. Disciplinary and Corrective Actions

Any department officer who is found, after investigation, to have engaged in racial profiling in violation of this Written Directive may be subject to disciplinary action, up to and including termination. Disciplinary or corrective citations may include diversity, sensitivity or other appropriate training or counseling, as determined by the Chief of Police.

VIII. Public Education

The HISD Police Department shall provide education to the public concerning the racial profiling complaint process. The primary method of public education shall be through the brochure "How to File a Complaint" which is maintained in the lobby of the HISD Police Department and online at www.houstonisd.org. Other education methods may be utilized to inform the public, including news media, civic presentations, HISD Television channel (1), the Internet, and/or public meetings.

IX. Collection of Information and Annual Report when Citation issued or Arrest Made

A. For each motor vehicle contact in which a citation is issued and for each arrest resulting from a motor vehicle contact, an officer involved in the stop shall collect the following information:

1. Information identifying the race or ethnicity of the person detained. The following codes will be used to identify the individual's race:

B = Black
A = Asian
I = Native American / American Indian
H = Hispanic
W = White
M = Middle Eastern
O = Other

Note: Officers may not ask the individual to identify their race. If the officer is unable to determine the race or ethnicity of the person contacted, then the race shall be entered as other on the citation(s) issued:

- a. Whether the officer knew the race or ethnicity of the individual detained before detaining that individual;
- b. Whether a search was conducted;
- c. If a search was conducted, whether the individual detained consented to the search;
- d. Whether a search was conducted because probable cause existed;
- e. Whether contraband was found; and

- B. The records division will enter the information collected into the Automated Records Management System (ARMS).
- C. All HISD Police Department supervisors shall ensure that all Racial Profiling Data is collected and reported to the Chief of Police. The information collected shall be compiled in an annual report covering the period January 1 through December 31 of each year, and shall be submitted to the Board Members of the Houston Independent School District no later than March 1 of the following 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;
 - 4. Number of citations that resulted in custodial arrest; and
 - 5. Public education efforts concerning the racial profiling complaint process.
- D. The annual report shall not include identifying information about any individual stopped or arrested and shall not include identifying information about any peace officer involved in a stop or arrest.
 - E. Racial Profiling Data will also be reported to the Texas Commission on Law Enforcement (TCOLE) by March 1 of each year following the Commission's prescribed format.

X. Audio and Video Equipment

- A. Each motor vehicle contact and pedestrian stop made by an officer of this department that is capable of being recorded by video and audio shall be recorded. In units equipped with mobile video camera systems, both video and audio recordings shall be required; and
- B. Supervisors shall have the authority to assign units with malfunctioning, inoperable, or no mobile video equipment when situations dictate. Officers assigned to such units shall collect and document the information listed below for each motor vehicle contact and pedestrian stop. All documentation must be submitted to the officer's supervisor prior to ending that tour of duty. Documentation shall include but is not limited to Ethnicity Based Statistical Information Forms and Traffic Citations.
 - 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, the person's race or ethnicity, as determined by the officer to the best of his or her ability. Officers will not ask the individual to identify their race or ethnicity.
2. Whether the officer knew the race or ethnicity of the individual detained before detaining that individual;
 3. The initial reason for the stop;
 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 any contraband was discovered in the course of the search and the type of contraband discovered;
 6. 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; and
 - 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.
 7. 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 Penal Code, a violation of traffic law or ordinance or an outstanding warrant, and a statement of the offense charged;
 8. The street address or approximate location of the stop; and
 9. Whether the officer issued a citation or a written warning as a result of the stop.

XI. Review of Video and Audio Documentation

- A. Each audio and video recording shall be retained for a minimum period of one hundred twenty (120) days, unless a complaint is filed alleging that an officer has engaged in racial profiling with respect to a motor vehicle contact or pedestrian stop. The Operations Bureau shall ensure that all audio and recordings are properly stored and retained in accordance with applicable laws and this written directive;
- B. If a complaint is received alleging that an officer has engaged in racial profiling, the audio/video recording shall be forwarded to the Internal Affairs Division. The Internal

Affairs Division shall retain the tape until final disposition of the complaint(s) has been made;

- C. The Chief of Police or designee shall review a randomly selected sampling of video and audio recordings made recently by officers employed by the Department in order to determine if patterns of racial profiling exist:
 1. Written documentation shall include:
 - a. The names of the officers whose contacts were reviewed;
 - b. The date(s) of the video reviewed;
 - c. The date the actual review was conducted; and
 - d. The name of the person conducting the review.
 2. All HISD Police Department supervisors shall forward the required documentation to the Office of the Chief of Police.

XII. Training

- A. Each peace officer employed by the department shall complete the comprehensive education and training program on racial profiling established by the Texas Commission on Law Enforcement (TCOLE) no later than the second anniversary of the date the officer was licensed, 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 not later than September 1, 2003 and;
- B. The Chief of Police shall, in completing the training required by Section 96.641, Texas Education Code, complete the program on racial profiling established by the Bill Blackwood Law Enforcement Management Institute of Texas (LEMIT), not later than September 1, 2003.

XIII. Effective Date

- A. Any previous directive, rule, order or regulation that pertains to this subject matter and its amendments shall remain in full force and effect for any violation(s) which occur prior to the effective date of this written directive;
- B. If any section, sentence, clause or phrase of this written directive is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this written directive;

- C. All training on this written directive will be in accordance with written directive 422-403B, Written Directive System (Section 15), Training; and
- D. The effective date is stated in the header block of this written directive.

XIV. Bias Based Policing

- A. The Houston Independent School District Police Department recognizes the value of criminal profiling as a useful tool to assist law enforcement officers in carrying out their duties. Officers are prohibited, however, from practicing bias based profiling in any manner. This includes the use of bias based profiling in traffic enforcement, suspect and vehicle searches, property seizures, field contacts, pedestrian stops, and searches of all HISD campus.
- B. Bias Based profiling 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, culture, or any other identifiable groups. All complaints of bias based profiling will be routed through the Office of Internal Affairs Division. In addition, law enforcement personnel will receive annual training on issues involving bias based profiling and the legal facets. The Internal Affairs Annual Summary of Internal Affairs Complaints shall include an Administrative review of agency practices on bias based profiling, to include citizen complaints or concerns.

Approved: _____
Robert Mock, Chief of Police

	<p>DEPARTMENTAL DIRECTIVES</p> <p>HOUSTON INDEPENDENT SCHOOL DISTRICT POLICE DEPARTMENT</p>	
<p>DIRECTIVE 601-025</p>	<p>EFFECTIVE DATE: FEBRUARY 11, 2013</p>	<p>REVISED January 8, 2016</p>
<p>SUBJECT: IN-VEHICLE MOBILE VIDEO AND AUDIO RECORDING</p>		

I. Purpose

The purpose of this Standard Operating Procedure is to describe procedures for the use of mobile video and audio recording equipment in HISD Police Department vehicles.

II. Applicability

This directive applies to all Houston Independent School District Police Personnel.

III. Objectives

In-vehicle mobile video and recording (MVR) equipment has been installed in some HISD Police Department vehicles. The use of this equipment includes, but is not limited to, the following:

- A. Accurate documentation of actions, conditions, and events that take place when making traffic stops, assisting highway users, making arrests, and during critical incidents, so as to enhance officer reports, collection of evidence, and testimony in court.
- B. The enhancement of the Houston Independent School District Police Department's ability to review probable cause for arrests, arrest procedures, officer and violator interactions, evidence for investigative purposes, traffic stops, patrol officer evaluations, and training aids.

IV. Equipment Operation

- A. Each patrol officer shall maintain MVR equipment assigned to his/her patrol vehicle.
- B. Prior to each shift, patrol officers shall perform MVR equipment checks. Any system malfunction shall be reported directly to the shift supervisor as soon as possible.
- C. MVR equipment is designed to activate automatically when the vehicle's emergency warning devices are in operation.
- D. Officers using MVR equipment shall record the following situations whenever possible:
 - 1. Motor vehicle stops.

2. In-progress motor vehicle or criminal violations.
 3. Traffic collisions involving HISD vehicles, and/or collisions resulting in injury or death.
 4. Vehicle and suspect searches.
 5. Situations where the officer, because of his or her experience or training, determines that the incident should be documented.
 6. Police pursuits when a violent felony has been committed.
- E. Wireless microphones will be left in the on position at all times and activated during all video recordings.
- F. MVR digital recordings should be uploaded at the end of each patrol officers' shift.
- G. Patrol officers shall note in arrest or related reports when the MVR recordings are used during the incident in question.
- H. The patrol vehicle engine must be kept running while the MVR recorder is activated.
- I. The MVR will be turned off at the end of the officer's tour of duty or if the officer will be out the vehicle for an extended time to prevent battery drainage.

V. Digital Recording Control and Management

The Supervisor assigned to maintaining the In-Vehicle Audio/Video Camera shall ensure that:

- A. Only supervisors are authorized to remove hard drives and/or USB drives from all HISD Police vehicles.
- B. All digital downloads are to be uploaded to an electronic device (i.e., desktop computer) at the sergeant's desk for easy access and made available to command staff upon request.
- C. The MVR has sufficient hard drive space for a patrol shift.
- D. If a situation requiring an incident number is recorded, the video should be uploaded under the assigned incident number in the record management system.
- E. Only hard drives and/or USB drives issued and approved by the HISD Police Department shall be used.
- F. Hard drives and/or USB's provided by the HISD Police Department will not be used for non-duty related purposes.

- G. All digital recordings are labeled with the officer's name, and the completion date of the recordings.
- H. Digital Recordings are reviewed at random (with another supervisor present) to assist in periodic assessment of patrol officers, to identify material that may be appropriate for training purposes, or to ensure the MVR equipment is fully functional and working properly.
- I. Inspections should be done by the Supervisor randomly to ensure the equipment is maintained in good working conditions.
- J. All repair and replacement documentation on non-functional MVR equipment shall be documented and forwarded up the Chain of Command to the Support Service Lt.

VI. Tape/Digital Storage

All digital recording hard drives and/or USB drives are the property of the HISD Police Department. All recordings are uploaded to a software storage library. The Operations Lieutenant, Radar Unit Supervisor, and IT department shall have access to the storage library. A copy of digital recordings may be created via CD or DVD media for court purposes (with court order or subpoena) or for training purposes with the permission of the Operations Lieutenant

- A. The software storage library shall remain locked and accessible to above listed personnel only.
- B. Digital recordings with no incident number assignment and containing general patrol stop activity shall be retained for 120 days. Such recordings may be deleted after the 120-day period
- C. Tapes pertaining to specific incidents shall be retained for not less than six (6) months. They will normally be held for a maximum period of three (3) years at which time they may be magnetically erased and returned for use. Should pending court action exceed the three-year limit, the original tape will not be erased until 90 days after final judgment has been entered.
- D. Tapes and digital.

VII. Command and Administrative Use of Captured Data

Except for evidentiary and training purposes, reproduction of MVR recordings by district personnel is prohibited.

- A. Upon written request to the Chief of Police and after approval a duplication of the MVR recordings may be released to the requesting party.
- B. The duplicate will contain only scenes from specifically requested incidents.

- C. The duplicate recordings shall be labeled with a HISD Police Department label containing the date of the duplication and a statement prohibiting further duplication or distribution of the tape without express written consent of the Chief of Police, or designee.
- D. The Supervisor shall periodically review camera captured data.

VIII. Training Requirements for Users and Supervisors

Prior to the use of any HISD PD in-vehicle car video/audio camera, the officer must receive training on the proper handling on such devices by their FTO and/or Supervisor.

Approved: _____
Robert Mock, Chief of Police

Prohibition

Police Officers of the HISD Police Department are strictly prohibited from engaging in racial profiling. The prohibition against racial profiling does not preclude the use of race, ethnicity or national origin as factors in an officers' decision. Race, ethnicity or national origin may be used if an officer is searching for a witness or suspect and as part of a description of a witness or suspect.

Definitions

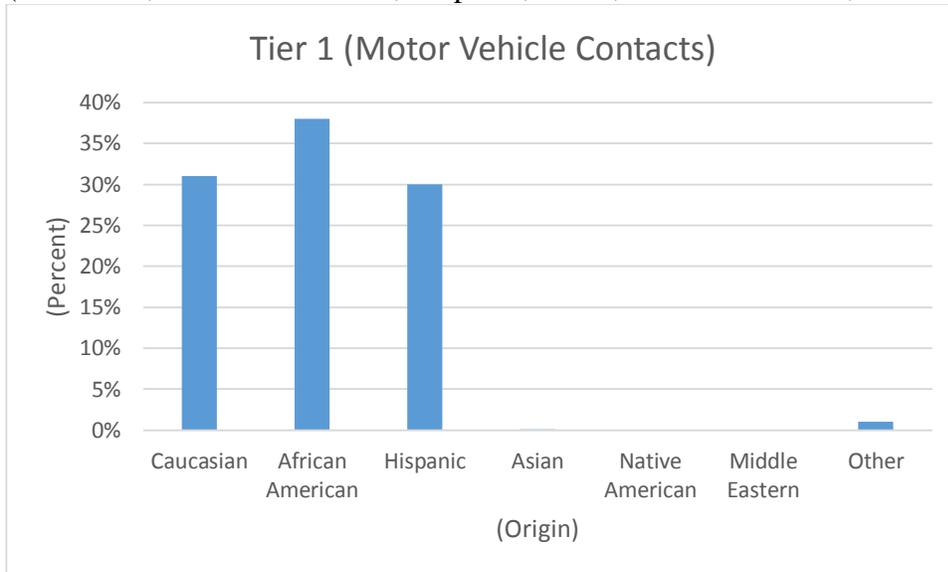
- A. Racial Profiling – A law enforcement-initiated action based solely on an individual’s race and identifying the individual as having engaged in criminal activity solely based on race. Racial profiling pertains to persons who are viewed as suspects or potential suspects of criminal behavior solely based on race. The term is not relevant as it pertains to witnesses, complainants, persons needing assistance, or other citizen contacts;
- B. Acts Constituting Racial Profiling – Acts initiating law enforcement action, such as a traffic stop, a detention, a search, issuance of a citation, or an arrest based solely upon an individual’s race, ethnicity, national origin, or on the basis of racial or ethnic stereotypes, rather than upon the individual’s behavior, information identifying the individual as having possibly engaged in criminal activity, or other lawful reasons for the law enforcement action;
- C. 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;
- D. Race or Ethnicity – Persons of a particular descent including Caucasian, African American, Hispanic, Asian, Middle Eastern, or Native American descent; and
- E. Motor Vehicle Contact – An occasion in which a peace officer stops a motor vehicle for an alleged violation of law or ordinance. A contact is one where a citation is issued, arrest is made or a verbal warning is given as a result of the motor vehicle stop and where ethnicity and national origin did not influence the contact.

Tier 1 Data

Chart One

Result of Traffic Stops

(Caucasian, African American, Hispanic, Asian, Native American, Middle Eastern, Other)

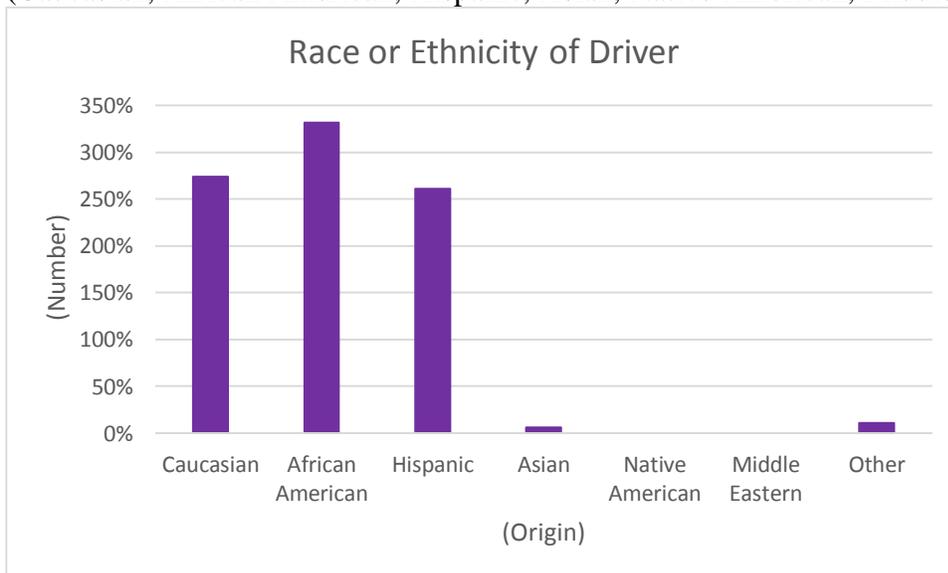


All traffic stops result in either a verbal warning or a citation. If a traffic stop resulted in an arrest, the case number is documented on the citation. A total of 884 traffic stops resulted in citations or warnings. Our policy requires either a written citation or warning for all stops.

Chart Two

Race/Ethnicity of Driver

(Caucasian, African American, Hispanic, Asian, Native American, Middle Eastern, Other)

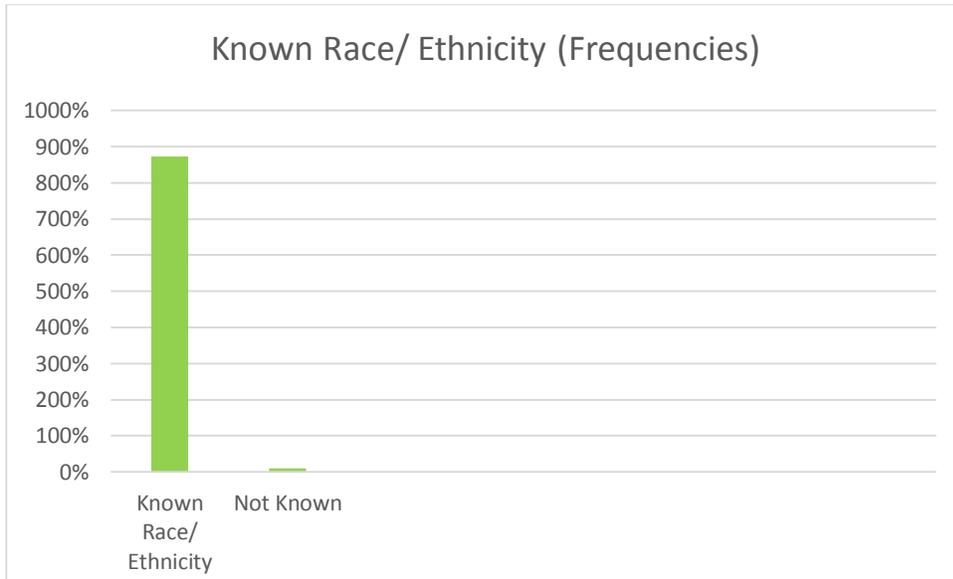


Race and ethnicity may overlap in the case that someone may be reported on their driver license as Caucasian but have an ethnicity of Hispanic. Graphs first will illustrate race of the driver, and a separate graph illustrates the ethnicity of the driver. The races are Asian, Native American, African American or Caucasian. The Ethnicities are Middle Eastern, Hispanic, and Non-Hispanic.

In compliance with require State reporting categories, all drivers identified as African American, Asian, or Native American were reported as such. All drivers with an ethnicity of Hispanic or Middle Eastern were reported as such, adjusting each total number if a Hispanic or Middle Eastern person was already included in the African American, Asian, or Native American category. The remaining drivers were reported as Caucasian.

Chart Three

Race or Ethnicity Known Prior to Stop

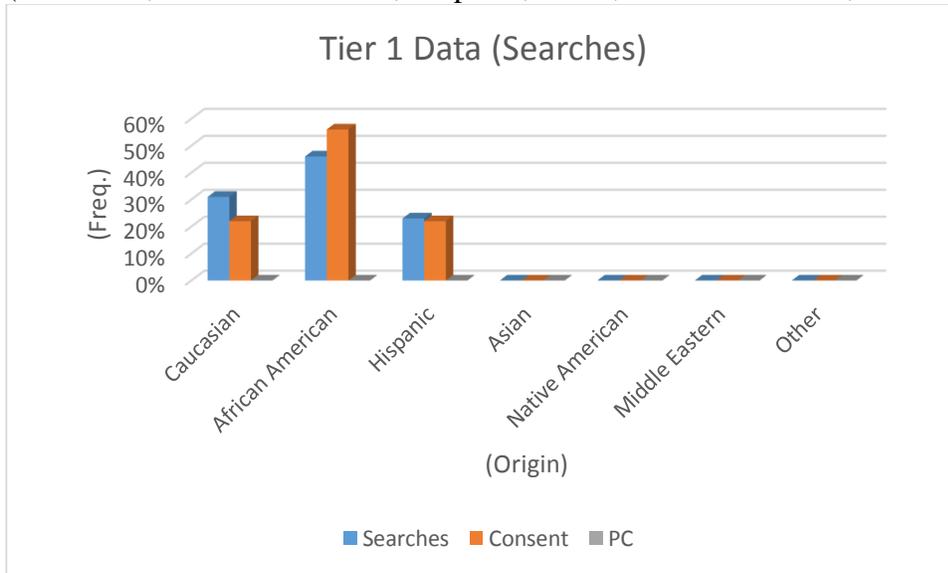


Officers reported that in only 11 of all traffic stops, or 1.2% that they knew the race or ethnicity of the driver prior to the stop.

Chart Four

Search Conducted on Traffic Stops

(Caucasian, African American, Hispanic, Asian, Native American, Middle Eastern, Other)



Officers reported that in 884 traffic stops, 13 or 1.47% searches resulted in being conducted. This is represented in the graph as the “search” category.

Racial Profiling Contact Chart

Motor Vehicle-Related Contact Information (1/1/2015-12/31/2015)

Race / Ethnicity*	Contacts		Searches		Consensual Searches		PC Searches		Custody Arrest	
	N	%	N	%	N	%	N	%	N	%
Caucasian	274	31.00%	4	30.77%	2	22.22%	0	0.00%	2	66.67%
African American	332	37.56%	6	46.15%	5	55.56%	0	0.00%	1	33.33%
Hispanic	261	29.52%	3	23.08%	2	22.22%	0	0.00%	0	0.00%
Asian	6	0.68%	0	0.00%	0	0.00%	0	0.00%	0	0.00%
Native American	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%
Middle Eastern	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%
Other	11	1.24%	0	0.00%	0	0.00%	0	0.00%	0	0.00%
Total	884	100.00%	13	100.00%	9	100.00%	0	0.00%	3	100.00%

“N” – Represents “number” of traffic related contacts

*Race/Ethnicity is defined by Senate Bill 1074 as being of a “particular descent, including Caucasian, African American, Hispanic, Asian, Native American or Middle Eastern.”

** Figure has been rounded

Analysis and Interpretation of Data

Two-Year Comparison Chart (2014 vs 2015)

Race/ Ethnicity	Contacts			Searches			Consensual Searches			PC Searches			Custody Arrest		
	2014	2015	%	2014	2015	%	2014	2015	%	2014	2015	%	2014	2015	%
Caucasian	163	274	68.10	1	4	300.00	1	2	100.00	0	0	0	0	2	100.00
African American	272	332	22.08	3	6	100.00	1	5	400.00	0	0	0	3	1	-66.67
Hispanic	331	261	-21.15	8	3	-62.50	3	2	-33.33	0	0	0	2	0	-100.00
Asian	16	6	-62.50	0	0	0	0	0	0	0	0	0	0	0	0
Native American	3	0	-100.00	0	0	0	0	0	0	0	0	0	0	0	0
Middle Eastern	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Other	3	11	266.67	0	0	0	0	0	0	0	0	0	0	0	0
Total	788	884	12.18	12	13	8.33	5	9	80.00	0	0	0	5	3	-40.00

*Race/ Ethnicity is defined by Senate Bill 1074 as being of a “particular descent, including Caucasian, African American, Hispanic, Asian, Native American or Middle Eastern”.

Report on Complaints

State of Texas Racial Profiling Annual Submission

Report on Complaints

The HISD Police Department has not recorded any complaints against its officer in violation of the HISD Racial Profiling or In-Car Audio/Video Policy, nor the Texas Racial Profiling Law during January 1, 2015 through December 31, 2015.



Chief Administrator

02/29/2016

Date

Appendix A

Data Reported Electronically to the State of Texas

Tier 1- Partial Exemption Racial Profiling Report

Houston Independent School District Police Department

Reporting Date-

TCOLE Agency Number-

Chief Administrator- Robert J. Mock

Agency Contact Information - Mailing Address

3500 Tampa Street

Houston, Texas 77021

This Agency claims Partial Racial Profiling exemption because:

The Houston ISD Police Department Vehicles that conduct motor vehicles stops are equipped with video and audio equipment and we maintain this video for 120 days.

Certification to This Report 2.132 (Tier 1) – Partial Exemption

Department Name- Houston Independent School District Police Department

Agency Number-

Chief Administrator Name- Robert J. Mock

Reporting name

Contact Number

Email Address-

Policy Requirements Article 2.132(b) Law Enforcement Policy on Racial Profiling

The Houston ISD Police Department has adopted a detailed written policy on racial profiling. Our policy:

1. Clearly defines acts constituting racial profiling;
2. Strictly prohibits Peace Officers employed by the Houston ISD Police from engaging in racial profiling;
3. Implements a process by which an individual may file a complaint with the Houston ISD Police Department if the individual believes that a Peace Officer employed by the Houston ISD Police Department has engaged in racial profiling with respect to the individual;
4. Provides public education relating to the Agency's complaint process;
5. Requires appropriate corrective action to be taken against a Peace Officer employed by the Houston ISD Police Department who, after an investigation, is shown to have engage in racial profiling which is in violation of the Houston ISD Police Department policy adopted under this Article;
6. Require Collection of information relating to motor vehicles stops in which a citation is issued and arrests are made as a result of those stops, including information related 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;
 - C. Whether the Peace Officer knew the race or ethnicity of the individual detained before detaining the individual; and
7. Require the Chief Administrator of the agency, regardless of whether the Administrator is elected, employed, or appointed to submit an annual report of the information collected under Subdivision:
 - A. The Commission on Law Enforcement Officer Standards and Education; and
 - B. The governing body of each county and municipality served by the agency the agency is an agency of a county, municipality, or other political subdivision of the state.

These policies are in effect



Chief Administrator

02/29/2016

Date

Partial Exemption Racial Profiling Reporting (Tier 1)

Video and Audio Equipment Exemption

Partial Exemption Claimed by (2.135(a) CCP):

 X All cars regularly used for motor vehicle stops are equipped with video camera and transmitter-activated equipment, and motor stop is recorded, and the recording of the stop is retained for at least 90 days after the stop.

OR

 In accordance with 2.135(a) (2) the agency has requested and not received funds to install the recording equipment.

I claim this exemption:



Chief Administrator

02/29/2016
Date

Partial Exemption Racial profiling Reporting (Tier 1)

(This is the TCLEOSE recommended form. The form is mandatory. The information contained in this form, however, is mandatory. You may use this form, but all information must be provided).

If you claim a partial exemption you must submit a report that contains the following data or use this format to report the data.

Number of Motor Vehicle stops:

(Mark only one category per vehicle stop)

- 1. 881 - citation only
- 2. 3 - arrest only
- 3. 884 - both
- 4. 884 - Total

Race or Ethnicity:

- 5. 332 - African American
- 6. 6 - Asian
- 7. 274 - Caucasian
- 8. 261 - Hispanic
- 9. 0 - Middle Eastern
- 10. 0 - Native American
- 11. 11 - other
- 884 - Total

Race or Ethnicity known prior to stop?

- 12. 11 - Yes
- 13. 873 - No
- 14. 884 - Total

Search Conducted?

15. 13 - Yes

16. 871 - No

17. 13 - Total

Was search Consented?

18. 9 - Yes

19. 4 - No

20. 13 - Total must equal #15

Partial Exemption Racial Profiling Reporting (Tier 1)

Option to submit required data by utilizing agency report

(You must submit your report in PDF format)

Electronic Submission of data by 2.132(b) (6) CCP

(6) Require collection of information relating to motor vehicle stops in which a citation is issued and to arrest 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 the individual; and

This report meets the above requirements:



Chief Administrator

02/29/2016

Date