The University of Texas System
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Office of the Director of Police
702 Colorado Street, Suite 1.122, Austin, Texas 78701
Phone: 512-499-4680 Fax: 512-499-4684
http://www.utsystem.edu/pol

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The University of Texas at Austin
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The University of Texas of the Permian Basin
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The University of Texas M. D. Anderson Cancer Center
The University of Texas Health Science Center at Tyler

www.utsystem.edu

February 24, 2015

Mr. Kim Vickers
Director
Texas Commission on Law Enforcement
6330 East Highway 290, Suite 200
Austin, Texas 78723

RE: 2014 Racial Profiling Report

Dear Director Vickers:

The University of Texas System Police Department is pleased to present its 2014 Racial Profiling Report, as required by Texas law, and an amendment to our 2013 report to re-categorize one previously submitted data group.

In producing the report, the Police Department appreciates the assistance it has received from TCOLE, whose leadership and support is a constant reminder of the standards to which all peace officers must adhere and aspire.

The University of Texas System Police Office of the Director of Police Policy 201; Bias-Based Profiling and Racial Profiling has been reviewed by The U.T. System's Office of General Counsel and deemed to satisfy existing legal requirements. In addition, the Police Department has relied upon the past assistance of Alejandro del Carmen, Ph.D., to guide the preparation of our 2014 analysis that is a component of the Racial Profiling Report. Dr. del Carmen is the past Chair of the Department of Criminology and Criminal Justice for The University of Texas at Arlington and, additionally a national-recognized expert who specializes in the review and analysis of racial profiling data for reporting purposes in Texas. Dr. del Carmen has authored many refereed academic manuscripts in internationally-recognized journals, and is the author of *Racial Profiling in America* (Prentice Hall Publishing, 2007).

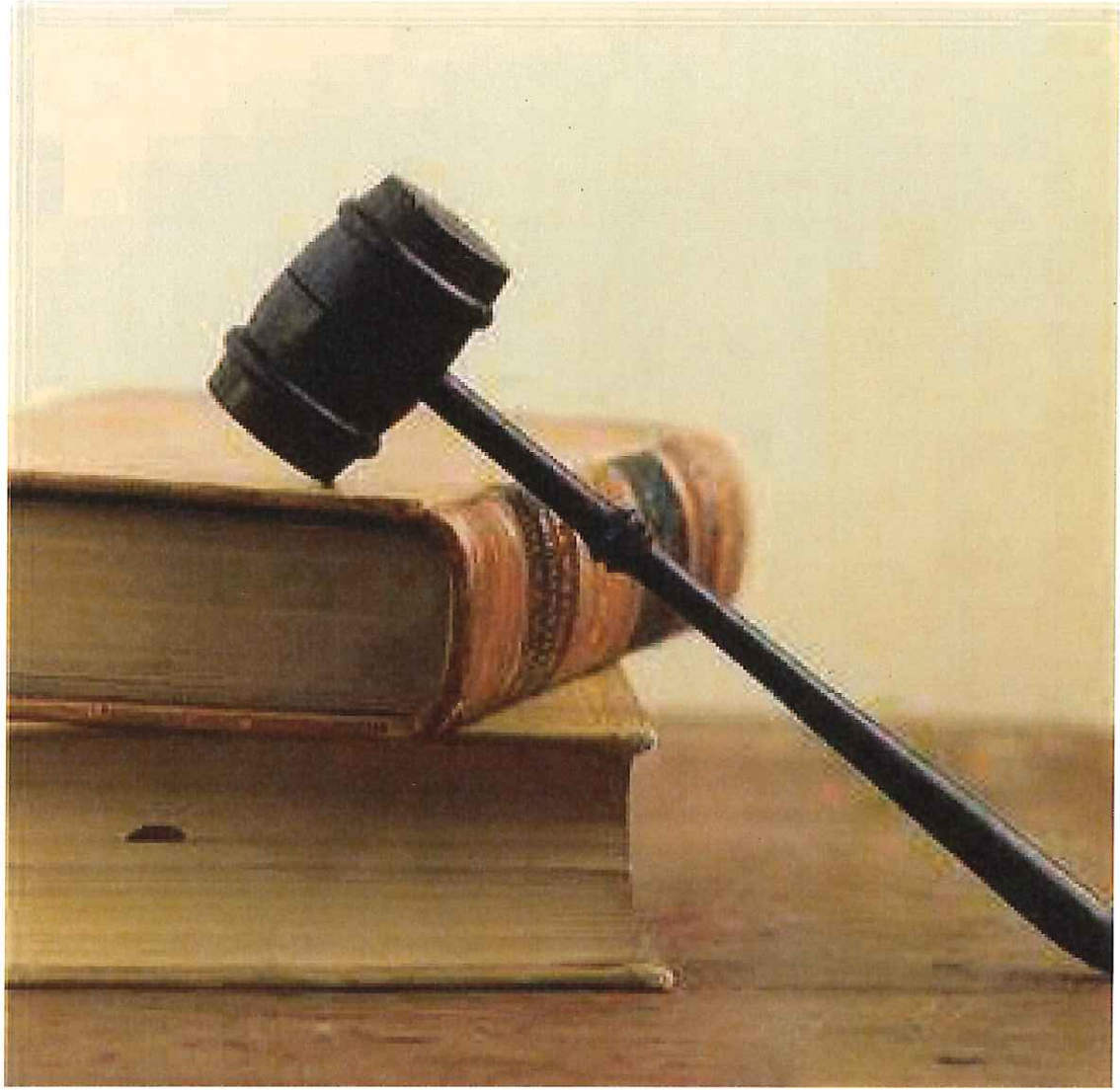
The University of Texas System Police Department is pleased to note that our policy serves the letter and spirit of the existing law. In addition the Police Department is committed to proving training as required to all officers statewide.

As always, we look forward to working with TCOLE in the future.

Sincerely,

Michael J. Heidingsfield
Director of Police

The UT System Police Department Annual Contact Report (2014)



Larry A. Bloom B.A, M.J.A.
Inspector, University of Texas System Police

Tier 1 Data and Tier 2 Data

Partial Exemption Racial Profiling Reporting (Tier 1) and Full Reporting (Tier 2)

Department Name	**University of Texas System Police**
Agency Number	**453005**
Chief Administrator Name	**Michael J. Heidingsfield, Director**
Reporting Name	**Michael J. Heidingsfield, Director**
Contact Number	**(512)499-4688**
E-mail Address	**mheidingsfield@utsystem.edu**

Certification to Report 2.132 (Tier 1) – Partial Exemption

Certification to Report 2.132 (Tier 2)

Policy Requirements (2.132(b) CCP): Each law enforcement agency in this state shall adopt a detailed written policy on racial profiling. The policy must:

(1) clearly define acts constituting racial profiling;

(2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;

(3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;

(4) provide public education relating to the agency's complaint process;

(5) require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article;

(6) require collection of information relating to motor vehicle stops in which a citation is issued and to arrests 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 that 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 (6) to:

(A) the Commission on Law Enforcement; and

(B) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

These polices are in effect

Chief Administrator Date 2/24/15

Partial Exemption Racial Profiling Reporting

(Tier 1)

Video and Audio Equipment Exemption

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

☒ all cars regularly used for motor vehicle stops are equipped with video camera and transmitter-activated equipment and each 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

2/24/15

Chief Administrator Date

Tier 1 Data

INSTITUTION NAME: University of Texas System Police

DP #48
For Use After 12/31/13

Includes UT Brownsville

(I) Tier 1 Data

Motor Vehicle-Related Contact Information (1/1/14 —12/31/ 14)

Race/Ethnicity*	Contacts	Searches (Total)	Consensual Searches	PC Searches	Custody Arrests
	N	N	N	N	N
Caucasian	3217	286	51	182	332
African	1335	165	20	83	213
Hispanic	4088	484	56	230	456
Asian	738	18	2	10	25
Native American	12	0	0	0	1
Middle Eastern	524	16	6	6	12
Other	43	2	1	0	2
Total	9957	971	136	511	1041

"N" represents "number" of motor vehicle-related contacts
* Race/Ethnicity is defined by Senate Bill 1074 as being of a "particular descent, including Caucasian, African, Hispanic, Asian, Native American or Middle Eastern".
**Figure has been rounded

Number of instances where officers knew/did not know the race/ethnicity of the suspect before being detained:

374 Knew 9583 Did not Know

Number of complaints on alleged racial profiling between 1/1/14 and 12/31/14 :

Total number: 0

Outcome

Number Sustained: 0 Number Not Sustained: 0 Number Unfounded: 0 Number Exonerated: 0

INSTITUTION NAME: University of Texas System Police

DP #48
For Use After 12/31/13

Does not include UT Brownsville data

(I) Tier 1 Data

Motor Vehicle-Related Contact Information (1/1/14 —12/31/14)

Race/Ethnicity*	Contacts	Searches (Total)	Consensual Searches	PC Searches	Custody Arrests
	N	N	N	N	N
Caucasian	3189	285	51	181	331
African	1334	165	20	83	213
Hispanic	3391	461	52	227	438
Asian	736	18	2	10	25
Native American	12	0	0	0	1
Middle Eastern	522	16	6	6	12
Other	43	2	1	0	2
Total	9227	947	132	507	1022

"N" represents "number" of motor vehicle-related contacts
* Race/Ethnicity is defined by Senate Bill 1074 as being of a "particular descent, including Caucasian, African, Hispanic, Asian, Native American or Middle Eastern".
**Figure has been rounded

Number of instances where officers knew/did not know the race/ethnicity of the suspect before being detained:

374 Knew 8853 Did not Know

Number of complaints on alleged racial profiling between 1/1/14 and 12/31/14 :

Total number: 0

Outcome
Number Sustained: _____ Number Not Sustained: _____ Number Unfounded: _____ Number Exonerated: _____

Tier 2 Data

TIER 2 REPORTING

FULL REPORTING

Check One

☒ **No motor vehicle or audio equipment**

☐ **We choose to fully report even though we qualify for the partial exemption**

Racial Profiling Reporting
(Tier 2)

Department Name	UT Brownsville Police Department
Agency Number	TX0311200
Chief Administrator Name	Acting Assistant Chief Reynaldo Treviño
Reporting Name	Aurora Quezada
Contact Number	(956)882-7554 / (956) 882-8232
E-mail Address	Aurora.Quezada@utb.edu

Certification to Report 2.132 (Tier 2)

Policy Requirements (2.132(b) CCP):

Each law enforcement agency in this state shall adopt a detailed written policy on racial profiling. The policy must:

(1) clearly define acts constituting racial profiling;

(2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;

(3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;

(4) provide public education relating to the agency's complaint process;

(5) require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article;

(6) require collection of information relating to motor vehicle stops in which a citation is issued and to arrests 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 that 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 (6) to:

(A) the Commission on Law Enforcement Officer Standards and Education; and

(B) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

These polices are in effect

Chief Administrator — Date 2/14/15

Racial Profiling Reporting
(Tier 2)

(State of Texas Mandatory Form)

Instructions: Please fill out all boxes. If zero use 0.
1. Total on lines 3, 10, 13, 18, 21, 40, and 51 Must be equal
2. Total on lines 27 and 30 Must equal line 19

Gender:

1. 275 Female
2. 455 Male

3. 730 Total

Race or Ethnicity:

4. 1 African
5. 2 Asian
6. 28 Caucasian
7. 697 Hispanic
8. 2 Middle Eastern
9. _____ Native American

10. 730 Total

Race or Ethnicity known prior to stop?

11. _____ Yes
12. 730 No

13. 730 Total

Reason for stop:

14. 1 Violation of law other than traffic
15. _____ Pre-existing knowledge (i.e. warrant)
16. 484 Moving Traffic Violation
17. 245 Vehicle Traffic Violation (Equipment, Inspection or Registration)

18. 730 Total

Racial Profiling Reporting
(Tier 2)

Search conducted?

19. 24 Yes
20. 706 No

21. 730 Total

Reason for search:
(choose 1 for each search)

22. 4 Consent
23. 3 Contraband/evidence in plain sight
24. 4 Probable cause or reasonable suspicion
25. 13 Inventory search performed as result of towing
26. _____ Incident to arrest/warrant

27. 24 Total Must equal #19

Contraband discovered?

28. 17 Yes
29. 7 No

30. 24 Total Must equal #19

Description of Contraband
(Chose only One)

31. 10 Illegal drugs/drug paraphernalia
32. _____ Currency
33. _____ Weapons
34. 7 Alcohol
35. _____ Stolen property
36. _____ Other

37. 17 Total Must equal #28

Arrest result of stop or search:

38. 19 Yes
39. 711 No

40. 730 Total

Racial Profiling Reporting
(Tier 2)

Arrest based on:

41. 18 Violation of the Penal Code
42. _____ Violation of a Traffic Law
43. _____ Violation of City Ordinance
44. 1 Outstanding Warrant

Street address or approximate location of the stop:

45. 730 City Street
46. _____ US Highway
47. _____ County Road
48. _____ Private Property or Other

Written warning or a citation as a result of the stop:

49. 730 Yes
50. _____ No

51. 730 Total

Please submit electronically the analysis in PDF format required by 2.134 CCP(c) which contains:

(1) a comparative analysis of the information compiled under Article 2.133 to:

(A) evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities; and

(B) examine the disposition of motor vehicle stops made by officers employed by the agency, categorized according to the race or ethnicity of the affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction; and

(2) information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

This analysis meets the above requirements

Chief Administrator _____ Date 2/16/15

All five (5) pages will be entered via a TCLEOSE Web entry form and the analysis is to be uploaded to the website in PDF format

www.tcleose.state.tx.us

Analysis and Interpretation of Data

Analysis

In 2001, the Texas legislature passed Senate Bill 1074 which became the Texas Racial Profiling Law. That is, the law came into effect on January 1, 2002 and required that all police departments in Texas collect traffic-related data and report this information to their respective local governing authorities by March 1st of each year. In 2009, the Texas Legislature passed House Bill 3389, which modified the existing Racial Profiling Law by adding new requirements and taking effect on January 1st, 2010. These 2010 changes included, but were not limited to, the re-definition of a 'contact' to include motor vehicle stops during which a citation was issued or an arrest made. In addition, the bill required police officers to indicate if the officers involved knew the race or ethnicity of the individual before detaining those individuals. Finally, the 2010 law required adding the sub-division of "Middle Eastern" to the racial and ethnic category and stipulated that agencies report motor vehicle related data to their local governing authority and to the Texas Commission on Law Enforcement (TCOLE) by March 1st of each year. The purpose in collecting and presenting this information is to determine if police officers in a particular community are engaging in the practice of racially profiling minority motorists. We are pleased to inform you that these reporting requirements have been addressed by the UT System Police as reflected with the submission of this report.

The Texas Racial Profiling Law also requires police departments to interpret motor vehicle-related data. While law enforcement executives and research professionals would likely agree it is a recognized and acknowledged best practice that police departments be accountable to the citizenry and operate in an open and transparent fashion, it is very difficult to determine if police officers are engaging in racial profiling, based exclusively on a review or analysis of aggregate data. In other words, it is challenging for a law enforcement executive or reputable researcher, acting in food faith, to identify specific individual behavior on the part of officers that might reflect discriminatory practices, if relying solely on aggregate-level institutional data on traffic or motor vehicle-related contacts.

Therefore, in our effort to comply with both the specific statutory requirements of the law as well as the intentions of the state's racial profiling legislation, the UT System Police Department has analyzed its 2014 motor vehicle contact data and conducted a careful and detailed evaluation of the data recorded. This particular analysis measured, as required by law, the number and percentage of Caucasians, African Americans, Hispanics, Asians, Native Americans and Middle Easterners that came in contact with the police in the course of a motor vehicle stop and were either issued a citation or arrested. In addition, as required by statute, an analysis was made on the number and nature of

associated searches that were conducted and if the officers knew the race/ethnicity of the individual stopped before being detained.

The UT System Police, a single state law enforcement agency with 537 sworn officers, is comprised of 14 police departments which provide law enforcement services to 15 campuses across the State of Texas, serving a total daily service population of 330,000 students, faculty and staff as well as thousands of visitors statewide. That is, a total of 14 academic institutions house UT System Police Departments which report to the central administration headquarters, the Office of the Director of Police (ODOP), located in Austin. These academic institutions include UT Arlington, UT Austin, UT Brownsville, UT Dallas, UT Southwestern Medical Center at Dallas, UT El Paso, UT Medical Branch at Galveston, UT Health Science Center at Houston and MD Anderson Cancer Center, UT Pan American, UT Permian Basin, UT San Antonio, UT Health Science Center at San Antonio, UT Tyler and UT Health Northeast. Due to the fact that these institutions' police departments do not patrol the same demographical jurisdiction or deliver police services to the same communities, and that a comparison of all 14 agencies to a particular baseline is virtually impossible to establish, the analysis provided here is limited in that the data is not compared to a specific baseline. Instead, the data is discussed as it is presented on the TCOLE reporting table.

Tier 1 (2014) Motor Vehicle-Related Contact Analysis

When analyzing the Tier 1 data collected in 2014, 41% of motor vehicle-related contacts were made with Hispanic drivers. This was followed by Caucasian (32%) and African American (13%) drivers. With regard to contacts that resulted in a search (647), the overwhelming number of stops made in 2014 (9,310) did not result in searches. Further, of these searches, the majority were based on probable cause (511). There were no racial profiling complaints received at any UT System police department in 2014 or at the Office of Director of Police.

Tier 2 (2014) Motor Vehicle-Related Contact Analysis

The UT Brownsville Police Department did not have fully functional patrol vehicle audio/video capability in 2014 and has reported the department's motor vehicle contact date via the Tier 2 form as required. In order to present as accurate an illustration of the overall University of Texas System Police motor vehicle contact data as possible, it is presented within this report in three models:

- Comprehensive UT System Police data that *includes* UT Brownsville PD;
- UT System Police data that *excludes* UT Brownsville PD; and
- UT Brownsville PD Tier 2 reporting

The majority of UT Brownsville PD motor vehicle-related contacts were made with Hispanic drivers (697), followed by Caucasians (28). In reference to contacts that resulted in a search, the overwhelming number of stops did not result in searches. As a matter of reference, according to the 2010 U.S Census, Hispanics comprised 88.5% of the population of Cameron County (of which Brownsville is the county seat) and 93% of the City of Brownsville population (where UT Brownsville is located); Caucasians comprised 10% and 5% of Cameron County and Brownsville, respectively.

Amended Tier 2 (2013) UT Brownsville Motor Vehicle-Related Contact Analysis

While preparing for and analyzing the motor vehicle contact data for this report, it was determined that the UT Brownsville PD had submitted the department's 2013 data in Tier 1 form instead of the required Tier 2, based again on the department not having fully functional patrol car audio/visual recording technology during calendar year 2013. A re-examination of the 2013 data revealed that the majority of motor vehicle-related stops were of Hispanics (269), followed by Caucasians (8). Four searches were conducted out of a total of 283 stops; of those four searches, three were based on probable cause and one based upon consent. Again, as a matter of reference, according to the 2010 U.S. Census, Hispanics comprised 88.5% of the population of Cameron County (of which Brownsville is the county seat) and 93% of the City of Brownsville population (where UT Brownsville is located); Caucasians comprised 10% and 5% of Cameron County and Brownsville, respectively. The amended Tier 2 form is included with this report. For 2015, the UT Brownsville Police department will be employing functional patrol car audio/video recording technology which should facilitate Tier 1 reporting.

The UT System Police Department remains committed to the collection and evaluation of additional information on motor vehicle contact data (i.e., reason for probable cause searches, contraband detected) which may prove to be useful when determining the nature of the contacts police officers are making with all members of the communities to which we deliver police services. Although this additional data may not be required by state law, our intention and objective is to ensure we have as complete an understanding as possible regarding the nature and outcome of all motor vehicle contacts made with the public.

The information and analysis provided in this report again demonstrates that the University of Texas System Police has, once again, complied with the Texas Racial Profiling Law.

Option to submit required data by utilizing agency report

You must submit your report in PDF format

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

(6) require collection of information relating to motor vehicle stops in which a citation is issued and to arrests 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 that individual; and

This report meets the above requirements

2/24/15

Chief Administrator Date

Send entire documents electronically to this website

www.tcleose.state.tx.us

2013

TIER 2 REPORTING

FULL REPORTING

Check One

☒ **No motor vehicle or audio equipment**

☐ **We choose to fully report even though we qualify for the partial exemption**

Racial Profiling Reporting
(Tier 2)

Department Name	UT Brownsville Police Department
Agency Number	0311200
Chief Administrator Name	Acting Director of Public Safety, Ben Reyna
Reporting Name	Administrative Assistant, Aurora Quezada
Contact Number	956-882-7554
E-mail Address	Police@utb.edu

Certification to Report 2.132 (Tier 2)

Policy Requirements (2.132(b) CCP):

Each law enforcement agency in this state shall adopt a detailed written policy on racial profiling. The policy must:

(1) clearly define acts constituting racial profiling;

(2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;

(3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;

(4) provide public education relating to the agency's complaint process;

(5) require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article;

(6) require collection of information relating to motor vehicle stops in which a citation is issued and to arrests 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 that 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 (6) to:

(A) the Commission on Law Enforcement Officer Standards and Education; and

(B) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

These polices are in effect

Acting Director of Public Safety, Ben Reyna — 1/23/2014

Chief Administrator — Date

Racial Profiling Reporting
(Tier 2)

(State of Texas Mandatory Form)

Instructions: Please fill out all boxes. If zero use 0.
1. Total on lines 3, 10, 13, 18, 21, 40, and 51 Must be equal
2. Total on lines 27 and 30 Must equal line 19

Gender:

1. 114 Female
2. 169 Male

3. 283 Total

Race or Ethnicity:

4. 2 African
5. 1 Asian
6. 8 Caucasian
7. 269 Hispanic
8. 3 Middle Eastern
9. 0 Native American

10. 283 Total

Race or Ethnicity known prior to stop?

11. 0 Yes
12. 283 No

13. 283 Total

Reason for stop:

14. 0 Violation of law other than traffic
15. 0 Pre-existing knowledge (i.e. warrant)
16. 184 Moving Traffic Violation
17. 99 Vehicle Traffic Violation (Equipment, Inspection or Registration)

18. 283 Total

Racial Profiling Reporting
(Tier 2)

Search conducted?

19. 4 Yes
20. 279 No

21. 283 **Total**

Reason for search:
(choose 1 for each search)

22. 1 Consent
23. 1 Contraband/evidence in plain sight
24. 1 Probable cause or reasonable suspicion
25. 1 Inventory search performed as result of towing
26. 0 Incident to arrest/warrant

27. 4 **Total Must equal #19**

Contraband discovered?

28. 4 Yes
29. 0 No

30. 4 **Total Must equal #19**

Description of Contraband
(Chose only One)

31. 2 Illegal drugs/drug paraphernalia
32. 0 Currency
33. 0 Weapons
34. 2 Alcohol
35. 0 Stolen property
36. 0 Other

37. 4 **Total Must equal #28**

Arrest result of stop or search:

38. 4 Yes
39. 279 No

40. 283 **Total**

Racial Profiling Reporting
(Tier 2)

Arrest based on:

41. 4 Violation of the Penal Code
42. 0 Violation of a Traffic Law
43. 0 Violation of City Ordinance
44. 0 Outstanding Warrant

Street address or approximate location of the stop:

45. 283 City Street
46. 0 US Highway
47. 0 County Road
48. 0 Private Property or Other

Written warning or a citation as a result of the stop:

49. 283 Yes
50. 0 No

51. 283 **Total**

Please submit electronically the analysis in PDF format required by 2.134 CCP(c) which contains:

(1) a comparative analysis of the information compiled under Article 2.133 to:

(A) evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities; and

(B) examine the disposition of motor vehicle stops made by officers employed by the agency, categorized according to the race or ethnicity of the affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction; and

(2) information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

This analysis meets the above requirements

Acting Director of Public Safety, Ben Reyna 1/23/2014
Chief Administrator Date

All five (5) pages will be entered via a TCLEOSE Web entry form and the analysis is to be uploaded to the website in PDF format

www.tcleose.state.tx.us

OFFICE OF THE DIRECTOR OF POLICE
THE UNIVERSITY OF TEXAS SYSTEM
POLICY AND PROCEDURE MANUAL

Subject			Policy Number
BIAS-BASED PROFILING AND RACIAL PROFILING			**201**
Effective Date	Revision Date	Reevaluation Date	Number of Pages
February 24, 2011	February 12, 2014	Annually	6
Reference Standards		Replaces or Amends Policy Number	
TPCA: 2.01.1, CALEA: 1.2.9		C-1 dated September 1, 2004	

I. PURPOSE

The purpose of this policy is to reaffirm the commitment of the University of Texas System Police to unbiased policing in all encounters between a police officer and any person; to reinforce procedures that ensure public confidence and mutual trust by providing services in a fair and equitable fashion; and to protect police officers from unwarranted accusations of misconduct when they act within the dictates of this policy and the law.

II. POLICY

It is the policy of the University of Texas System Police ("UT System Police") to police in a proactive manner and to investigate suspected violations of law. Within that mandate, UT System Police officers shall actively enforce local, state, and federal laws in a responsible and professional manner, without unlawful regard to race, ethnicity, or national origin. Moreover, the UT System Police strictly prohibits its officers from engaging in bias-based profiling or racial profiling as those terms are defined in this policy.

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. Accordingly, UT System Police officers shall conduct themselves in a dignified and respectful manner at all times when dealing with the public. Finally, bias-based profiling and racial profiling, in particular, are unacceptable policing tactics and are strictly prohibited.

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

This policy applies to all police officers commissioned under the authority of the Board of Regents of The University of Texas System, and to all other employees of UT institution police departments. Moreover, this policy applies to police officers' actions with respect to all persons, whether they are drivers, passengers or pedestrians.

III. DEFINITIONS

A. Bias – the selection of an individual based solely on a common trait of a group, including, but not limited to, race, ethnicity, gender, sexual orientation, religion, economic status, age, and/or cultural background.

B. Bias-Based Profiling – a law enforcement-initiated action, detention or interdiction based solely on a trait common to a group of people, rather than on the individual's behavior and/or information tending to identify the individual as having engaged in criminal activity.

C. Law Enforcement Agency – means an agency of the state, or of a county, municipality, or other political subdivision of the state, that employs peace officers who make motor vehicle stops in the routine performance of the officers' official duties.

D. Motor Vehicle Stop – means an occasion in which a peace officer stops a motor vehicle for an alleged violation of a law or ordinance.

E. Police Officer – any person licensed by the Texas Commission on Law Enforcement Officer Standards and Education and commissioned as a peace officer under the authority of the Board of Regents of The University of Texas System who is (1) otherwise qualified, pursuant to Section 51.203 of the Texas Education Code, and (2) defined as a peace officer under Article 2.12 of the Texas Code of Criminal Procedure.

F. Race or Ethnicity – means of a particular descent, including African, Asian, Caucasian, Hispanic, Middle Eastern or Native American descent.

G. Racial Profiling – a law enforcement-initiated action based solely on an individual's race, ethnicity, and/or national origin, rather than on the individual's behavior and/or information tending to identify the individual as having engaged in criminal activity.

H. UT System Police – a dedicated, full-service law enforcement agency authorized by the State of Texas. The UT System Police includes all UT institution police departments, as well as The University of Texas System, Office of the Director of Police. The UT System Police is one law enforcement agency, as defined and recognized by the Texas Commission on Law Enforcement Officer Standards and Education. The agency head and administrator is the Director of Police.

IV. PROHIBITION

A. The use of bias-based and/or racial profiling by police officers in any law enforcement encounters with persons viewed as suspects and/or potential suspects in criminal activities is strictly prohibited. The encounters to which this prohibition applies include, but are not limited to, motor vehicle stops, field contacts, and asset seizure and forfeiture operations.

B. The prohibition against bias-based profiling and racial profiling does not preclude the UT System Police from using race, ethnicity, or national origin as factors in a detention decision. For instance, a suspect's race, ethnicity, or national origin may be legitimate factors in deciding whether to detain the suspect when those factors are used as part of a physical description of a specific suspect for whom a police officer is searching.

Detaining a person and inquiring into that person's activities solely because of that person's race, ethnicity, or national origin, or solely because of bias, is prohibited bias-based profiling or 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, solely because of the cited driver's race, ethnicity, or national origin.

2. Detaining the driver of a vehicle solely 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.

3. Detaining a person solely based on 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.

V. TRAINING

A. A police officer shall complete the Texas Commission on Law Enforcement ("TCOLE") training and education program on racial profiling not later than (1) the second anniversary of the date the officer is licensed under Chapter 1701 of the Texas Occupations Code or (2) the date the officer applies for an intermediate proficiency certificate, whichever is earlier.

B. As needed, the UT System Police may schedule and require police officers to attend in-service training on bias-based profiling.

VI. COMPLAINT INVESTIGATION

A. The UT System Police shall accept complaints from any person who believes that a UT System Police officer has engaged in bias-based profiling or racial profiling with respect to him or her. No person shall be discouraged, intimidated, or coerced from filing a complaint, nor discriminated against because he or she files such a complaint.

B. In addition, any UT System Police officer or UT institution police department employee who receives an allegation of bias-based profiling or racial profiling shall record the name, address and telephone number of the person who lodges the allegation, and shall (1) forward the complaint to the Chief of Police or his designee, or (2) direct the person how to do so. To direct the person on the filing of such a complaint, the officer or employee shall provide the person a copy of the complaint form (DP-42) and describe the process for filing a complaint.

All UT System Police officers and UT institution police department employees shall report any allegations of bias-based profiling or racial profiling to their respective superiors before the end of their shifts.

C. In processing and investigating any complaint alleging that a UT System Police officer has engaged in bias-based profiling or racial profiling, the UT System Police shall follow UT System Police Policy No. B9 (Complaint Investigation).

D. At the commencement of the investigation into the complaint, the appropriate UT institution police department shall determine whether there is a video and/or audio recording of the occurrence on which the complaint is based. If a recording exists, the department shall promptly provide a copy of it to the police officer who is the subject of the complaint on his or her written request.

E. At the conclusion of the investigation, the department shall forward all findings and/or disciplinary action, retraining, or policy changes to the Director of Police.

F. If a bias-based profiling or racial profiling complaint is sustained against a UT System Police officer in violation of this policy, that officer shall be subject to corrective action, which may include reprimand; diversity, sensitivity or other appropriate training or counseling; paid or unpaid suspension; termination of employment, or other appropriate action as determined by the Chief of Police.

VII. PUBLIC EDUCATION

The UT System Police will inform the public of its policy against bias-based profiling and racial profiling and of its complaint investigation process. To do so, the UT System Police may utilize news media, service or organization presentations, the Internet, campus meetings, and/or the UT System Police web page located at http://www.utsystem.edu/police

VIII. COLLECTION, ANALYSIS, AND REPORTING OF INFORMATION

A. **PARTIAL EXEMPTION – TIER 1 REPORTING** - The UT System Police shall collect information relating to (1) motor vehicle stops in which a citation is issued and (2) arrests made as a result of these stops. The information collected shall include:

1. The race or ethnicity of the person detained and whether the officer knew or did not know the race or ethnicity of the person detained before the detention occurred;

   a) The race or ethnicity of the individual includes (as reflected in DP #48 for use after 12/31/13):

      (1) African

      (2) Asian

      (3) Caucasian

      (4) Hispanic

      (5) Middle Eastern

      (6) Native American

      (7) Other

2. The number of Contacts, Total Searches (combination of Consensual and Probable Cause Searches), Consensual Searches, Probably Cause Searches, Custodial Arrests, Racial Profiling Complaints received, and complaint outcomes to include: Sustained, Not Sustained, Unfounded, Exonerated (as reflected in DP #48 for use after 12/31/13)

B. Not later than February 1 of each year, the Chief of Police of each UT institution police department shall submit to the Director of Police a report containing the information required by Paragraph A that his or her police department compiled during the previous calendar year.

C. After receiving the information described in Paragraph B, the Director of Police shall compile and analyze the information contained in each report. Not later than March 1 of each year, the Director of Police shall submit a report of the information collected under Paragraph A to TCOLE and to The University of Texas System Board of Regents.

D. The report required by Paragraph B shall not include identifying information about the peace officer who makes a motor vehicle stop or about the person who is stopped or arrested by the peace officer. However, this subsection does not affect the UT System Police's duty to collect the information required by Paragraph A.

IX. USE OF VIDEO AND AUDIO EQUIPMENT

A. The policy of the UT System Police is that all UT System Police vehicles and motorcycles regularly used by a police officer to make motor vehicle stops shall be equipped with a video camera and transmitter-activated equipment.

B. Each motor vehicle stop made by a police officer shall be recorded by video and audio equipment or audio equipment.

C. Each UT institution police department shall retain the video and audio recording or audio recording of each motor vehicle stop for at least 90 days after the date of the stop.

D. If a complaint is filed alleging that a police officer has engaged in bias-based profiling or racial profiling with respect to a motor vehicle stop, the UT institution police department shall retain the video and audio recording or audio recording of the stop until final disposition of the complaint.

E. Supervisors shall ensure that police officers record all motor vehicle stops and the Chief of Police or his designee shall periodically conduct reviews of a randomly selected sampling of video/audio recordings to determine if patterns of biased based profiling exist.

F. If the equipment used to record motor vehicle stops is malfunctioning or otherwise not operable, the officer making the stop shall report the malfunction to his/her supervisor immediately and manually collect the data and properly record and report the information as required by this policy and Article 2.133, Texas Code of Criminal Procedure, "Reports Required for Motor Vehicle Stops". Repairs deemed necessary should be made as soon as practicable.

Michael J. Heidingsfield
Director of Police

Changes/Amendments since last publication:

Throughout - Changed reference from TCLEOSE to TCOLE, February 12, 2014

Paragraph VIII. A. - Revised Tier 1 Reporting requirements to reflect information required in revised DP #48 form, February 12, 2014

Paragraph VIII. B. – Deleted references to Full Report – Tier 2 Reporting, February 12, 2014

Paragraph IX. A. – Deleted reference to interim reporting requirements for police departments not equipped with video camera and transmitter-activated equipment. February 12, 2014

Paragraph IX. B – Deleted phrase "that is capable of being recorded". February 12, 2014