THE UNIVERSITY of TEXAS SYSTEM
FOURTEEN INSTITUTIONS. UNLIMITED POSSIBILITIES.

Office of the Director of Police
201 West 7th Street, Suite 416
Austin, Texas 78701
512-499-4685
WWW.UTSYSTEM.EDU

February 25, 2016

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

RE: 2015 Racial Profiling Report

Dear Director Vickers:

The University of Texas System Police Department is pleased to present its 2015 Racial Profiling Report, as required by Texas law.

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 Office of General Counsel and deemed to satisfy existing legal requirements. In addition, the Police Department has relied upon the assistance of Alejandro del Carmen, Ph.D., to guide the preparation of our 2015 analysis that is a component of the Racial Profiling Report. Dr. del Carmen is the Executive Director and Professor, School of Criminology, Criminal Justice and Strategic Studies, Tarleton State University and a nationally recognized subject matter expert specializing 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).

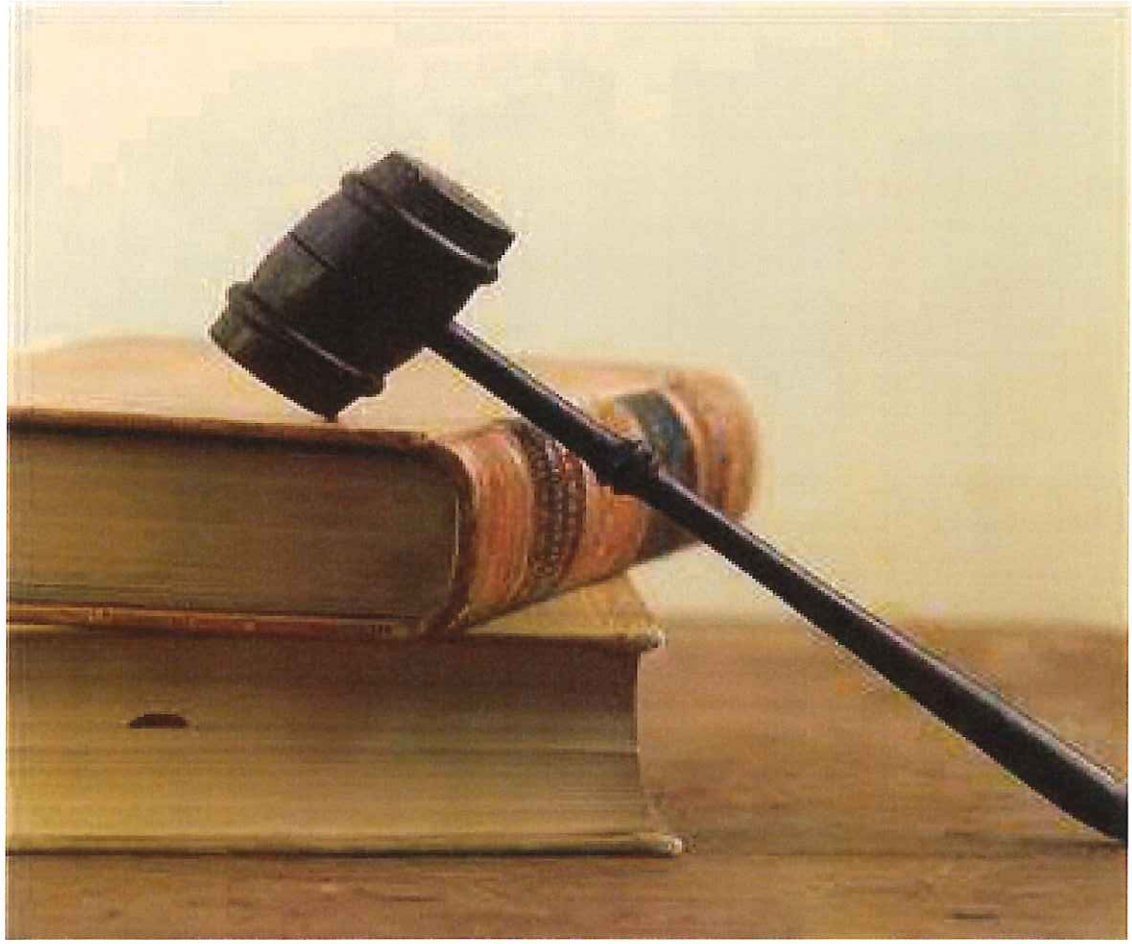
The University of Texas System Police Department is pleased to note that our policy serves the letter and spirit of the existing law. In addition the Police Department is committed to proving training as required to all officers statewide.

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 (2015)



Ruben Puente
Assistant Director, University of Texas System Police

Alex del Carmen, Ph.D.
Executive Director & Professor, School of Criminology,
Criminal Justice and Strategic Studies
Tarleton State University

## Tier 1 Data

**Partial Exemption Racial Profiling Reporting (Tier 1)**

| | |
|---|---|
| **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**

**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 2/25/16

**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

Chief Administrator Date

# Tier 1 Data

## (I) Tier 1 Data

Motor Vehicle-Related Contact Information (1/1/15 —12/31/15 )

| Race/Ethnicity* | Contacts | Searches (Total) | Consensual Searches | PC Searches | Custody Arrests |
|---|---|---|---|---|---|
| | | | | | |
| | N | N | N | N | N |
| **Caucasian** | 2693 | 262 | 52 | 211 | 279 |
| **African** | 1378 | 130 | 24 | 104 | 171 |
| **Hispanic** | 3724 | 316 | 42 | 275 | 415 |
| **Asian** | 857 | 14 | 4 | 11 | 17 |
| **Native American** | 16 | 0 | 0 | 0 | 0 |
| **Middle Eastern** | 336 | 8 | 2 | 5 | 8 |
| **Other** | 51 | 3 | 0 | 3 | 2 |
| | | | | | |
| **Total** | 9055 | 733 | 124 | 609 | 892 |

"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:

272 Knew 8783 Did not Know

Number of complaints on alleged racial profiling between 1/1/15 and 12/31/15 :

Total number: 2

Outcome

Number Sustained: _____ Number Not Sustained: _____ Number Unfounded: 2 Number Exonerated: _____

## 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

2/25/16

Chief Administrator Date

***Send entire documents electronically to this website***

**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 local governing authority by March 1st of each year. In 2009, the racial profiling law was modified to include the collection and reporting of all motor vehicle related contacts where a citation was issued or arrest made. In addition, since 2009, the law requires that all police officers indicate whether or not they knew the race or ethnicity of the individual before detaining them. Further, it is required that agencies report motor vehicle related data to their local governing authority and to the Texas Commission on Law Enforcement and Education (TCOLE) by March 1st of each year. The purpose in collecting and presenting this information is to determine if police officers in a particular municipality are engaging in the practice of racially profiling minority motorists.

The Texas Racial Profiling Law requires police departments to interpret motor vehicle-related data. Even though most researchers would probably agree with the fact that it is within the confines of good practice for police departments to be accountable to the citizenry while carrying a transparent image before the community, it is very difficult to determine if police officers are engaging in racial profiling, from a review or analysis of aggregate data. In other words, it is challenging for a reputable researcher to identify specific "individual" racist behavior from aggregate-level "institutional" data on traffic or motor vehicle-related contacts.

In 2009, the Texas Legislature passed House Bill 3389, which modified the existing Racial Profiling Law by adding new requirements; this took effect on January 1st, 2010. These most recent changes include, but are not exclusive of, the re-definition of a contact to include motor vehicles where a citation was issued or an arrest made. In addition, it requires police officers to indicate if they knew the race or ethnicity of the individual before detaining them. Also, the new law requires adding "middle eastern" to the racial and ethnic category and submitting the annual traffic data report to TCOLE before March 1st of each year, starting this year. I am pleased to inform you that these new requirements have been addressed by the UT System Police Department as it is demonstrated throughout this report.

In an effort to comply with The Texas Racial Profiling Law, the UT System Police Department commissioned the analysis of its 2015 motor vehicle contact data. Thus, careful evaluation of the 2015 motor vehicle related data was performed. 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 Tier 1 reporting, the analysis was made on the searches conducted and if the officers knew the race/ethnicity of the suspect before being detained.

The UT System Police is comprised of police departments across the State of Texas. That is, a total of 14 academic institutions house UT System Police Departments which report to the central administration based in Austin. These academic institutions include UT Arlington, UT Austin, 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 Permian Basin, UT Rio Grande Valley, UT San Antonio, UT Health Science Center at San Antonio, UT Tyler and UT Health Northeast at Tyler. Due to the fact that these institutions' police departments do not patrol the same demographical population and that a comparison of all 14 departments to a particular baseline is virtually impossible, 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 (2015) Motor Vehicle-Related Contact Analysis

When analyzing the Tier 1 data collected in 2015, it was evident that most motor vehicle-related contacts were made with Hispanic drivers. This was followed by Caucasian and African American drivers. With regards to contacts that resulted in a search, the overwhelming number of stops made in 2015 did not result in searches. Further, of these searches, most were not consented. With regards to arrests, most of these were made on Hispanics; this was followed by Caucasians and African Americans.

In most instances (8,783) officers did not know the race or ethnicity of the individual detained; restated, only in 272 instances, officers knew the race or ethnicity of the individual before being detained. In addition, there were only 2 alleged racial profiling complaints files in 2015. It should be noted that both of these were determined to be unfounded.

While considering the findings made in this analysis, it is recommended that the UT System Police Department should continue to collect and evaluate 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 individuals. Although this additional data may not be required by state law, it is likely to provide insights regarding the nature and outcome of all motor vehicle contacts made with the public. Further, the Department is encouraged to provide advanced racial profiling training to its entire command staff at all of its 14 institutions.

The information and analysis provided in this report serves as evidence that the UT System Police Department has, once again, complied with the Texas Racial Profiling Law.