

Austin Independent School District
Police Department

Contact Data

Annual Report
January 1, 2015 – December 31, 2015

February 11, 2016

Austin ISD Police Department

Carruth Administration Building
1111 West Sixth Street
Suite C-120
Austin, Texas 78703-5399

February 11, 2016

Dr. Paul Cruz
Superintendent
Austin Independent School District

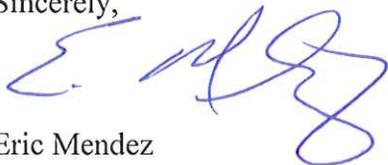
Since January 1, 2002, the Austin Independent School District Police Department, in accordance with the Texas Racial Profiling Law, has been collecting police contact data for the purpose of identifying and responding (if necessary) to concerns regarding racial profiling practices. It is my hope that the findings provided in this report will serve as evidence that the AISD Police Department continues to strive towards the goal of maintaining strong relations with the school community.

This report includes policies adopted by the AISD Police Department prohibiting the practice of racial profiling among its officers. In 2015, AISD Police conducted 506 traffic stops, which resulted in 28 searches. Of the 28 searches, nine searches occurred based on driver consent. Based on the 2010 City of Austin demographic profile, less than one percent of any race/ethnicity were stopped.

This 2015 report provides statistical data that is **now required from House Bill 3389 adopted by the 81st Legislature State Of Texas** and is only relevant to the traffic stops made during the period of 1/1/15 through 12/31/15. In general these data shows that members of the AISD Police Department do not utilize race as a factor in determining who is stopped for traffic violations. While our overall findings are positive, and no complaints of racial profiling were made during 2015. We will spend additional time and resources if needed to address the differences between the groups that were identified.

It is my sincere hope that the channels of communication between the school community and the AISD Police Department continue to strengthen as we move forward to meet the challenges of the future.

Sincerely,



Eric Mendez
Chief of Police
Austin ISD Police Department

Austin Independent School District Police Department Policy and Procedure Manual	
Policy 4.06	Bias Based Profiling



I. POLICY (2.01.1 TPCAF)

The purpose of the policy is to reaffirm the Austin I.S.D. Police Department’s commitment to unbiased policing in all its encounters between officer and any person; to reinforce procedures that serve to ensure public confidence and mutual trust through the provision of services in a fair and equitable fashion; and to protect our officers from unwarranted accusations of misconduct when they act within the dictates of departmental policy and the law.

It is the policy of this Department to police in a proactive manner and, to aggressively investigate suspected violations of law. Officers shall actively enforce state and federal laws in a responsible and professional manner, without regard to race, ethnicity or national origin. Officers are strictly prohibited from engaging in biased based profiling as defined in this policy. This policy shall be applicable to all persons, whether drivers, passengers or pedestrians.

Officers shall conduct themselves in a dignified and respectful manner at all times when dealing with the public. Two of the fundamental rights guaranteed by both the United States and Texas constitutions are equal protection under the law and freedom from unreasonable searches and seizures by government agents. The right of all persons to be treated equally and to be free from unreasonable searches and seizures must be respected. Biased based profiling is an unacceptable law enforcement tactic and will not be condoned.

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

II. DEFINITIONS

- A. **Bias Based Profiling:** A law enforcement-initiated action based on an individual’s race, ethnicity, race, ethnicity, background, gender, sexual orientation, religion, economic status, age, culture, or other personal characteristics, rather than due to the observed behavior of the individual, or on information identifying the individual as having engaged in criminal activity.

Biased based profiling pertains to persons who are viewed as suspects or potential suspects of criminal behavior. The term is not relevant as it pertains to witnesses, complainants or other citizen contacts.

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

1. Citing a driver who is speeding in a stream of traffic where most other drivers are speeding because of the cited driver’s race, ethnicity or national origin.
2. Detaining the driver of a vehicle based on the determination that a person of that race, ethnicity or national origin is unlikely to own or possess that specific make, or model, of vehicle.

Policy 4.06 Bias Based Profiling

II. DEFINITIONS

A. Bias Based Profiling: (continued)

3. Detaining an individual based on the determination that a person of that race, ethnicity or national origin does not belong in a specific part of town or specific place.

This Department derives at two principles from the adoption of this definition of biased based profiling:

- a. Law enforcement officers use race in conjunction with other known factors of the suspect, but may not use biased based or ethnic stereotypes as factors in selecting whom to stop and search.
 - b. Biased based profiling is not relevant as it pertains to witnesses or others providing information concerning an event.
- B. Race or Ethnicity: One who is of a particular decent, including Caucasian, African, Hispanic, Asian, or Native American.
- 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. Traffic Stop: A peace officer that stops a motor vehicle for an alleged violation of law or ordinance regulating traffic.

III. TRAINING

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

All officers shall complete TCLEOSE training and education program on biased based profiling not later than the second anniversary of the date the officer is licensed under Chapter 1701 of the Texas Occupations Code or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier. A person who on September 1, 2001 held a TCLEOSE intermediate proficiency certificate, or who had held a peace officer license issued by TCLEOSE for at least two years, shall complete a TCLEOSE training and education program on biased based profiling not later than September 1, 2003.

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

IV. COMPLAINT INVESTIGATION

- A. The Department shall accept complaints from any person who believes he or she has been stopped or searched in violation of this policy. No person shall be discourage, intimidated or coerced from filing a complaint, nor discriminated against because he or she filed such a complaint.
- B. Any employee who receives an allegation of biased based profiling, including the officer who initiated the stop, shall record the person's name, address and telephone number, and forward the complaint through the appropriate channel or direct the individual(s). Any employee contacted shall provide to that person a copy of a complaint form or the department process for filing a complaint. All employees will report any allegation of biased based profiling to their superior before the end of their shift.

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IV. COMPLAINT INVESTIGATION

- C. Investigation of a complaint shall be conducted in a thorough and timely manner. All complaints will be acknowledged in writing to the initiator who will receive disposition regarding said complaint within a reasonable period of time. The investigation shall be reduced to writing and any reviewer's comments or conclusions shall be filed with the chief.
- D. If a biased based profiling complaint is sustained against an officer, it will result in appropriate corrective and/or disciplinary action, up to and including termination.
- E. If there is a department video or audio recording of the events upon which a complaint of biased based profiling is based, upon commencement of an investigation by this department in to the complaint and written request of the officer made the subject of the complaint, this department shall promptly provide a copy of the recording to that officer.

V. PUBLIC EDUCATION

This Department will inform the public of its policy against biased based profiling and the complaint process. Methods that may be utilized to inform the public are the news media, radio, service or civic presentations, the Internet, as well as governing board meetings. Additionally, information will be made available as appropriate in languages other than English.

VI. CITATION DATA COLLECTION & REPORTING

- A. An officer is required to collect information relating to traffic stops in which a citation is issued. On the citation officers must include:
 - 1. the violators race or ethnicity;
 - 2. whether a search was conducted;
 - 3. whether the search was consensual; and
 - 4. whether there was an arrest for this cited violation or any other violation.
- B. By March of each year, the Department shall submit a report to their governing board that includes the information gathered by the citations from the preceding year. The report will include:
 - 1. a breakdown of citations by race or ethnicity;
 - 2. numbers of citations that resulted in a search;
 - 3. number of searches that were consensual; and
 - 4. numbers of citations that resulted in custodial arrest for the cited violation or any

VII. COLLECTION and REPORTING INFORMATION GATHERED FROM TRAFFIC and PEDESTRIAN STOPS

- A. An officer who stops a motor vehicle for an alleged violation of law or ordinance regulating traffic, or who stops a pedestrian for any suspected offense, shall record and report the following information:
 - 1. A physical description of each person detained as a result of the stop, including:
 - a. The person's gender;
 - b. The person's race or ethnicity, as stated by the person or as determined by the officer to the best of his/her ability.
 - 2. The street address or approximate location of the stop. The suspected offense or the

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VII. COLLECTION and REPORTING INFORMATION GATHERED FROM TRAFFIC and PEDESTRIAN STOPS

- A. An officer who stops a motor vehicle
 - 2. (–traffic law or ordinance alleged to have been violated.
 - 3. Whether the officer conducted a search as a result of the stop and if so, whether the person detained consented to the search.
 - 4. Whether probable cause to search existed and, if so, the fact(s) supporting the existence of that probable cause.
 - 5. Whether any contraband was discovered in the course of the search and, if so, the type of contraband discovered.
 - 6. Whether the officer made an arrest as a result of the stop and/or search, and, if so, a statement of the offense charged.
 - 7. Whether the officer issued a warning or a citation as a result of the stop and, if so, a statement of the offense charged.

- B. This Department shall compile and analyze the information contained in these individual reports. Not later than March 1 of each year, this Department shall submit a report to our governing body containing the information compiled from the proceeding calendar year in a manner they approve. This report will include:
 - 1. A comparative analysis of the information contained in the individual reports in order to:
 - a. Determine the prevalence of biased based profiling by officers in this department; and
 - b. Examine the disposition of traffic and pedestrian stops made by this department's officers, including searches resulting from stops.
 - 2. Information relating to each complaint filed with this department alleging biased based profiling.

- C. This report will not include identifying information about a peace officer who makes a stop or about an individual who is stopped or arrested by a peace officer.

AISD Police Department
Policy 4.06 Bias Based Profiling
Original Issue Date: January 1, 2009
Last Revision Date: August 28, 2014
Next Review Date: August 28, 2016
Office of Primary Responsibility: ACOP
Editor: GB
Reviewed By: GB

APPROVED:
Eric Mendez
Chief of Police



**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. 207 Female
2. 299 Male

3. 506 Total

Race or Ethnicity:

4. 68 African
5. 11 Asian
6. 239 Caucasian
7. 184 Hispanic
8. 3 Middle Eastern
9. 1 Native American

10. 506 Total

Race or Ethnicity known prior to stop?

11. 47 Yes
12. 459 No

13. 506 Total

Reason for stop:

14. 15 Violation of law other than traffic
15. 5 Pre-existing knowledge (i.e. warrant)
16. 470 Moving Traffic Violation
17. 16 Vehicle Traffic Violation (Equipment, Inspection, or Registration)

18. 506 Total

**Racial Profiling Reporting
(Tier 2)**

Search Conducted?

19. 28 Yes
20. 478 No

21. 506 Total

Reason for Search (choose 1 for each search)

22. 9 Consent
23. 0 Plain View
24. 14 Probable Cause
25. 1 Inventory Tow
26. 4 Arrest/Warrant

27. 28 Total

Contraband Discovered?

28. 10 Yes
29. 18 No

30. 28 Total

Description of Contraband (choose only one)

31. 6 Drugs
32. 0 Cash
33. 2 Weapons
34. 0 Alcohol
35. 0 Stolen Property
36. 2 Other

37. 10 Total

Arrest result of stop or search:

38. 258 Yes
39. 248 No

40. 506 Total

**Racial Profiling Reporting
(Tier 2)**

Arrest based on:

41. 14 Violation of Penal Code
42. 273 Violation of Traffic Law
43. 7 Violation of City Ordinance
44. 0 Outstanding Warrant

Street address or approximate location of the stop:

45. 471 City Street
46. 26 USA Highway
47. 0 County Road
48. 9 Private Property

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

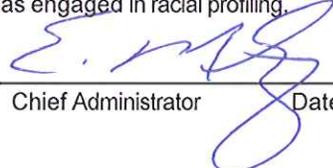
49. 355 Yes
50. 151 No

51. 506 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

FEB 14 2016