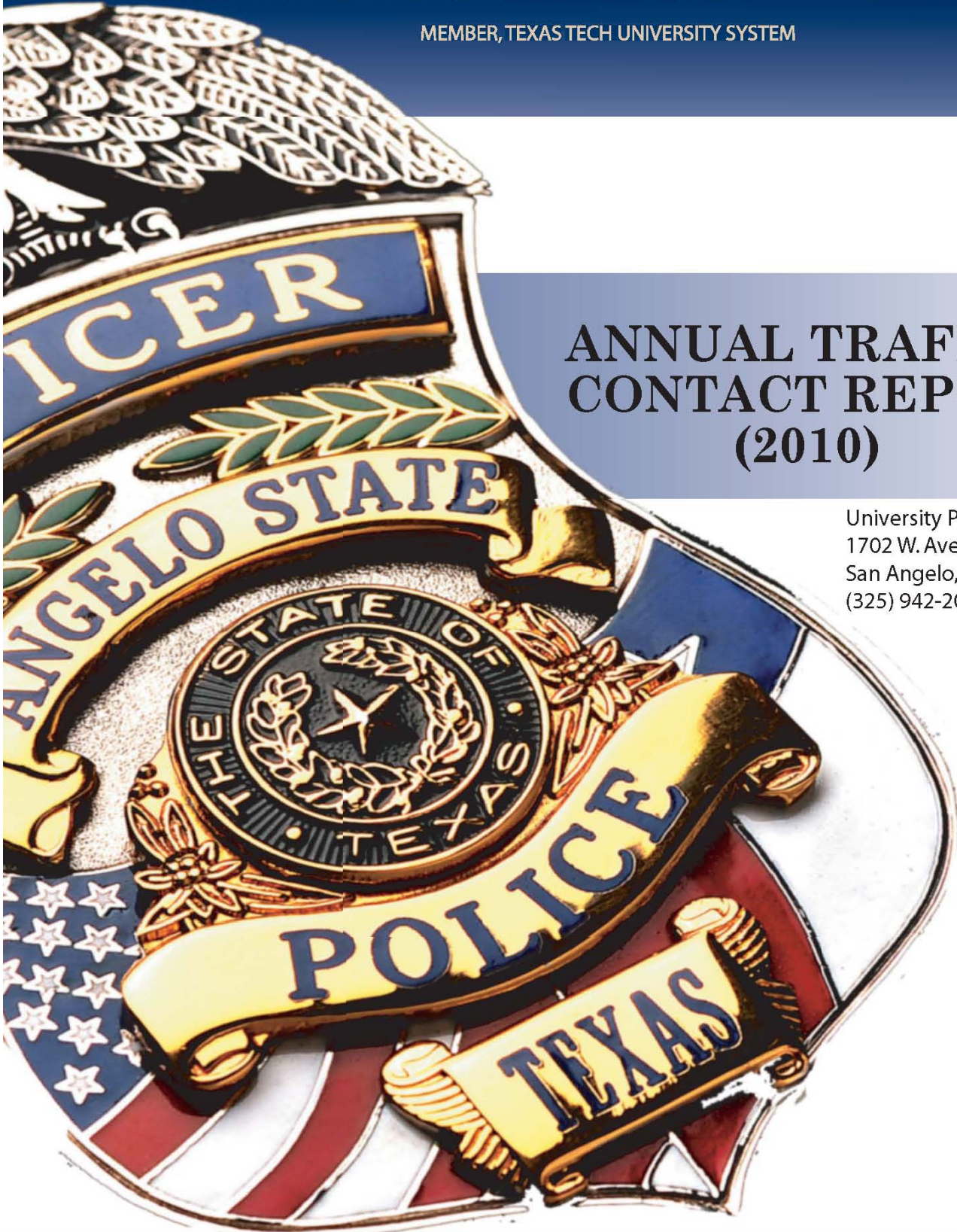


ANGELO STATE UNIVERSITY

MEMBER, TEXAS TECH UNIVERSITY SYSTEM

ANNUAL TRAFFIC CONTACT REPORT (2010)

University Police Department
1702 W. Avenue N
San Angelo, Texas 76909
(325) 942-2071



February 1, 2011




ANGELO STATE UNIVERSITY

University Police

MEMORANDUM

TO: Sharon Meyer
Vice President for Finance and Administration

FROM: James Adams 
Chief of University Police

RE: 2010 Annual Traffic Contact Report

The Angelo State University Police Department, in accordance with the Texas Racial Profiling Law (SB No. 1074), Art. 1.134 CCP, has been collecting police contact data to comply with the law. Throughout the past year, the police department has been diligent to ensure that the numbers reported, via citations, are as accurate as possible. The data in this report only applies to what is referred to as Tier I information only (stops that resulted in a citation or arrest).

The report does not include information that is referred to as Tier II information. The department has met all state requirements allowing it to be exempt from Tier II reporting requirements.

In this report, you will discover several sections, which are intended and designed to provide background information on the rationale and objectives of the Texas Racial Profiling law. Other sections contain information relevant to the policies adopted by the University Police Department prohibiting the practice of racial profiling among its officers, providing for a complaint system, and requiring the use of video or voice recordings on all traffic and pedestrian stops.

It is worth noting that there are limitations as to the interpretation and extrapolation of “information” from this data. The department is confident that our analysis is correct and relevant. The comparative analysis we have used is only one of many methods that could have been employed. Again, this illustrates the limitations of the way these numbers are extrapolated and evaluated, which should cause concern on the validity issues surrounding this entire process.

The final components of this report provide statistical data relevant to the public contacts made during the period of 1/1/2010 and 12/31/2010. This information has been analyzed and compared to the university student demographics as provided by the Office of Institutional Research and Assessment. Other analysis compares searches and arrests to the total number of traffic stops conducted over the listed time period.

Table of Contents

(I) Introduction

- a) Opening Letter
- b) Table of Contents
- c) The Texas Law on Racial Profiling (SB:1074)

(II) Responding to the Texas Racial Profiling Law

- a) Institutional Policy
- b) Department Policy: Chapter 4.09
- c) Racial Profile Training of University Officers
- d) Five Year Traffic Contact Data (06-10)
- e) Graphical Charts (2010)
- f) Assessment of Date (2010)
- g) Five-Year Comparison (06-10)
- h) Summary of Findings

(III) Community Profile: San Angelo, Texas

Texas Law on Racial Profiling, S.B. 1074, as amended by Acts 2009, 81st Legislature

Chapter 2, Code of Criminal Procedure, is amended by adding Articles 2.131 through 2.138 to read as follows:

Art. 2.131. RACIAL PROFILING PROHIBITED. A peace officer may not engage in racial profiling.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Art. 2.132. LAW ENFORCEMENT POLICY ON RACIAL PROFILING. (a) In this article:

(1) "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.

(2) "Motor vehicle stop" means an occasion in which a peace officer stops a motor vehicle for an alleged violation of a law or ordinance.

(3) "Race or ethnicity" means of a particular descent, including Caucasian, African, Hispanic, Asian, Native American, or Middle Eastern descent.

(b) 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.

(c) The data collected as a result of the reporting requirements of this article shall not constitute prima facie evidence of racial profiling.

(d) On adoption of a policy under Subsection (b), a law enforcement agency shall examine the feasibility of installing video camera and transmitter-activated equipment in each agency law enforcement motor vehicle regularly used to make motor vehicle stops and transmitter-activated equipment in each agency law enforcement motorcycle regularly used to make motor vehicle stops. If a law enforcement agency installs video or audio equipment as provided by this subsection, the policy adopted by the agency under Subsection (b) must include standards for reviewing video and audio documentation.

(e) A report required under Subsection (b)(7) may not include identifying information about a peace officer who makes a motor vehicle stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the collection of information as required by a policy under Subsection (b)(6).

(f) On the commencement of an investigation by a law enforcement agency of a complaint described by Subsection (b)(3) in which a video or audio recording of the occurrence on which the complaint is based was made, the agency shall promptly provide a copy of the recording to the peace officer who is the subject of the complaint on written request by the officer.

(g) On a finding by the Commission on Law Enforcement Officer Standards and Education that the chief administrator of a law enforcement agency intentionally failed to submit a report required under Subsection (b)(7), the commission shall begin disciplinary procedures against the chief administrator.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1172, Sec. 25, eff. September 1, 2009.

Art. 2.133. REPORTS REQUIRED FOR MOTOR VEHICLE STOPS. (a) In this article, "race or ethnicity" has the meaning assigned by Article 2.132(a).

(b) A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance shall report to the law enforcement agency that employs the officer information relating to the stop, including:

(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 the officer's ability;
- (2) the initial reason for the stop;
 - (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 any contraband or other evidence was discovered in the course of the search and a description of the contraband or evidence;
 - (5) 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; or
 - (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;
 - (6) 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 the Penal Code, a violation of a traffic law or ordinance, or an outstanding warrant and a statement of the offense charged;
 - (7) the street address or approximate location of the stop; and
 - (8) whether the officer issued a written warning or a citation as a result of the stop.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1172, Sec. 26, eff. September 1, 2009.

Art. 2.134. COMPILATION AND ANALYSIS OF INFORMATION COLLECTED. (a) In this article:

- (1) "Motor vehicle stop" has the meaning assigned by Article 2.132(a).
- (2) "Race or ethnicity" has the meaning assigned by Article 2.132(a).

(b) A law enforcement agency shall compile and analyze the information contained in each report received by the agency under Article 2.133. Not later than March 1 of each year, each law enforcement agency shall submit a report containing the incident-based data compiled during the previous calendar year to the Commission on Law Enforcement Officer Standards and Education and, if

the law enforcement agency is a local law enforcement agency, to the governing body of each county or municipality served by the agency.

(c) A report required under Subsection (b) must be submitted by the chief administrator of the law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, and must include:

(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.

(d) A report required under Subsection (b) may not include identifying information about a peace officer who makes a motor vehicle stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the reporting of information required under Article 2.133(b)(1).

(e) The Commission on Law Enforcement Officer Standards and Education, in accordance with Section 1701.162, Occupations Code, shall develop guidelines for compiling and reporting information as required by this article.

(f) The data collected as a result of the reporting requirements of this article shall not constitute prima facie evidence of racial profiling.

(g) On a finding by the Commission on Law Enforcement Officer Standards and Education that the chief administrator of a law enforcement agency intentionally failed to submit a report required under Subsection (b), the commission shall begin disciplinary procedures against the chief administrator.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1172, Sec. 27, eff. September 1, 2009.

Art. 2.135. PARTIAL EXEMPTION FOR AGENCIES USING VIDEO AND AUDIO EQUIPMENT. (a) A peace officer is exempt from the reporting requirement under Article 2.133 and the chief administrator of a law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, is exempt from the compilation, analysis, and reporting requirements under Article 2.134 if:

(1) during the calendar year preceding the date that a report under Article 2.134 is required to be submitted:

(A) each law enforcement motor vehicle regularly used by an officer employed by the agency to make motor vehicle stops is equipped with video camera and transmitter-activated equipment and each law enforcement motorcycle regularly used to make motor vehicle stops is equipped with transmitter-activated equipment; and

(B) each motor vehicle stop made by an officer employed by the agency that is capable of being recorded by video and audio or audio equipment, as appropriate, is recorded by using the equipment; or

(2) the governing body of the county or municipality served by the law enforcement agency, in conjunction with the law enforcement agency, certifies to the Department of Public Safety, not later than the date specified by rule by the department, that the law enforcement agency needs funds or video and audio equipment for the purpose of installing video and audio equipment as described by Subsection (a)(1)(A) and the agency does not receive from the state funds or video and audio equipment sufficient, as determined by the department, for the agency to accomplish that purpose.

(b) Except as otherwise provided by this subsection, a law enforcement agency that is exempt from the requirements under Article 2.134 shall retain the video and audio or audio documentation of each motor vehicle stop for at least 90 days after the date of the stop. If a complaint is filed with the law enforcement agency alleging that a peace officer employed by the agency has engaged in racial profiling with respect to a motor vehicle stop, the agency shall retain the video and audio or audio record of the stop until final disposition of the complaint.

(c) This article does not affect the collection or reporting requirements under Article 2.132.

(d) In this article, "motor vehicle stop" has the meaning assigned by Article 2.132(a).

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1172, Sec. 28, eff. September 1, 2009.

Art. 2.136. LIABILITY. A peace officer is not liable for damages arising from an act relating to the collection or reporting of information as required by Article 2.133 or under a policy adopted under Article 2.132.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Art. 2.137. PROVISION OF FUNDING OR EQUIPMENT. (a) The Department of Public Safety shall adopt rules for providing funds or video and audio equipment to law enforcement agencies for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A), including specifying criteria to prioritize funding or equipment provided to law enforcement agencies. The criteria may

include consideration of tax effort, financial hardship, available revenue, and budget surpluses. The criteria must give priority to:

- (1) law enforcement agencies that employ peace officers whose primary duty is traffic enforcement;
- (2) smaller jurisdictions; and
- (3) municipal and county law enforcement agencies.

(b) The Department of Public Safety shall collaborate with an institution of higher education to identify law enforcement agencies that need funds or video and audio equipment for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A). The collaboration may include the use of a survey to assist in developing criteria to prioritize funding or equipment provided to law enforcement agencies.

(c) To receive funds or video and audio equipment from the state for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A), the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency needs funds or video and audio equipment for that purpose.

(d) On receipt of funds or video and audio equipment from the state for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A), the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency has installed video and audio equipment as described by Article 2.135(a)(1)(A) and is using the equipment as required by Article 2.135(a)(1).

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Art. 2.138. RULES. The Department of Public Safety may adopt rules to implement Articles 2.131-2.137.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Chapter 3, Code of Criminal Procedure, is amended by adding Article 3.05 to read as follows:

Art. 3.05. RACIAL PROFILING. In this code, "racial profiling" means a law enforcement-initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 2, eff. Sept. 1, 2001.

CHAPTER 96, Section 96.641, Education Code, is amended by adding Subsection (k) to read as follows:

(k) As part of the initial training and continuing education for police chiefs required under this section, the institute shall establish a program on racial profiling. The program must include an examination of the best practices for:

- (1) monitoring peace officers' compliance with laws and internal agency policies relating to racial profiling;
- (2) implementing laws and internal agency policies relating to preventing racial profiling; and
- (3) analyzing and reporting collected information.

Acts 2007, 80th Leg., R.S., Ch. 278, Sec. 1, eff. June 15, 2007.

CHAPTER 1701, Section 1701.253, Occupations Code, is amended by adding Subsection (h) to read as follows:

(h) As part of the minimum curriculum requirements, the commission shall establish a statewide comprehensive education and training program on racial profiling for officers licensed under this chapter. An officer shall complete a program established under this subsection not later than the second anniversary of the date the officer is licensed under this chapter or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier.

Acts 2009, 81st Leg., R.S., Ch. 1172, Sec. 12, eff. September 1, 2009.

CHAPTER 1701, Section 1701.402, Occupations Code, is amended by adding Subsection (e) to read as follows:

(e) As a requirement for an intermediate proficiency certificate, an officer must complete an education and training program on racial profiling established by the commission under Section 1701.253(h).

Text of subsection as added by Acts 2009, 81st Leg., R.S., Ch. 1002

CHAPTER 543, Section 543.202, Transportation Code, is amended to read as follows;

Sec. 543.202. FORM OF RECORD. (a) In this section, "race or ethnicity" means of a particular descent, including Caucasian, African, Hispanic, Asian, or Native American descent.

(b) The record must be made on a form or by a data processing method acceptable to the department and must include:

- (1) the name, address, physical description, including race or ethnicity, date of birth, and driver's license number of the person charged;
- (2) the registration number of the vehicle involved;

- (3) whether the vehicle was a commercial motor vehicle as defined by Chapter 522 or was involved in transporting hazardous materials;
- (4) the person's social security number, if the person was operating a commercial motor vehicle or was the holder of a commercial driver's license or commercial driver learner's permit;
- (5) the date and nature of the offense, including whether the offense was a serious traffic violation as defined by Chapter 522;
- (6) whether a search of the vehicle was conducted and whether consent for the search was obtained;
- (7) the plea, the judgment, whether the individual was adjudicated under Article 45.0511, Code of Criminal Procedure, and whether bail was forfeited;
- (8) the date of conviction; and
- (9) the amount of the fine or forfeiture.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 2001, 77th Leg., ch. 947, Sec. 6, eff. Sept. 1, 2001; Acts 2003, 78th Leg., ch. 1325, Sec. 8.04, eff. June. 1, 2005.

S.B. 1074, Sections 7 through 12

SECTION 7. Not later than January 1, 2002, a law enforcement agency shall adopt and implement a policy and begin collecting information under the policy as required by Article 2.132, Code of Criminal Procedure, as added by this Act. A local law enforcement agency shall first submit information to the governing body of each county or municipality served by the agency as required by Article 2.132, Code of Criminal Procedure, as added by this Act, on March 1, 2003. The first submission of information shall consist of information compiled by the agency during the period beginning January 1, 2002, and ending December 31, 2002.

SECTION 8. A local law enforcement agency shall first submit information to the governing body of each county or municipality served by the agency as required by Article 2.134, Code of Criminal Procedure, as added by this Act, on March 1, 2004. The first submission of information shall consist of information compiled by the agency during the period beginning January 1, 2003, and ending December 31, 2003

SECTION 9. Not later than January 1, 2002:

- (1) the Commission on Law Enforcement Officer Standards and Education shall establish an education and training program on racial profiling as required by

Subsection (e), Section 1701.253, Occupations Code, as added by this Act; and

(2) the Bill Blackwood Law Enforcement Management Institute of Texas shall establish a program on racial profiling as required by Subsection (j), Section 96.641, Education Code, as added by this Act.

SECTION 10. A person who on the effective date of this Act holds an intermediate proficiency certificate issued by the Commission on Law Enforcement Officer Standards and Education or has held a peace officer license issued by the Commission on Law Enforcement Officer Standards and Education for at least two years shall complete an education and training program on racial profiling established under Subsection (e), Section 1701.253, Occupations Code, as added by this Act, not later than September 1, 2003.

SECTION 11. An individual appointed or elected as a police chief before the effective date of this Act shall complete a program on racial profiling established under Subsection (j), Section 96.641, Education Code, as added by this Act, not later than September 1, 2003.

SECTION 12. This Act takes effect September 1, 2001.

Institutional Policy

Institutional Policy: The Texas Racial Profiling Law (SB No.1074), Art. 1.134 CCP

The passage of Senate Bill 1074 was designed to address a growing concern regarding the practice of racial profiling in the law enforcement profession. As such, the Angelo State University Police Department has instituted a policy that addresses racial profiling and provides a compliant process for those who believe they have been stopped or searched based on racial, ethnic or national origin profiling.

**Department Policy
Chapter 4.09**

Department Policy Manual Chapter 4.09 Racial Profiling

4.09.1 Purpose:

The purpose of this policy is to reaffirm the Angelo State University Police Department's commitment to unbiased policing in all encounters between its police officers and the public; to reinforce procedures that serve to ensure public confidence and mutual trust through the provisions 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 department policy and the law.

4.09.02 Department Policy:

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

Angelo State University police officers shall conduct themselves in a dignified and respectful manner at all times when dealing with the public. Two fundamental rights guaranteed by both the United States and Texas constitutions are equal protection under the law and freedom from unreasonable searches and seizures. The right of all persons to be treated equally and to be free from unreasonable searches and seizures must be respected. Racial profiling is an unacceptable patrol tactic and is not condoned by this department.

This policy shall not preclude officers from offering assistance, such as 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 a person from a witness.

This policy may be amended from time to time to reflect changes in applicable laws and to further direct members of the University Police Department.

4.09.03 Definitions:

"Racial Profiling" - A law enforcement initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information 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 or citizen contacts.

The prohibition against racial profiling does not preclude law enforcement officers from detaining or arresting any individual because an actual description of a specific suspect, for whom the officer is searching, which contains racial, ethnic or national origin descriptors.

Detaining an individual and conducting an inquiry into that person's activities simply because of that individual's race, ethnicity or national origin constitutes 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, 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 be in possession of a vehicle of that specific make, model or color.
3. Detaining an individual upon the determination that a person of that race, ethnicity or national origin does not belong in a specific part of town or location.

A law enforcement agency can derive two key principles from the adoption of this definition of racial profiling:

1. Police officers may not use racial or ethnic stereotypes as factors in selecting whom to stop and search. Police may use race in conjunction with other known factors of the suspect.
2. Racial profiling is not relevant as it pertains to witnesses.

"Race or Ethnicity"- Of a particular decent, including Caucasian, African, Hispanic, Asian or Native American.

"Pedestrian Stop"- An interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.

"Traffic Stop"- A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance regulating traffic.

4.09.04 Department Training:

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

All officers shall complete a TCLEOSE training and racial profiling education program no later than the second anniversary of the date the officer is licensed under Chapter 1701 of the Texas Occupation Code or the date the officer applies for their 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 racial profiling education program no later than September 1, 2003.

The Chief of Police, as part of the initial training and continued education for such an appointment, will be required to attend the LEMIT program on racial profiling.

An individual appointed as a Police Chief before the effective date of this Act shall complete the program on racial profiling established under Subsection (j), Section 96.641, Education Code, as added by this Act, no later than September 1, 2003.

4.09.05 Complaint Investigation Procedures:

A. The University Police Department shall accept complaints from any person who believes he or she has been stopped or searched based on racial, ethnic or national origins. No person shall be discouraged, intimidated or coerced from filing a complaint, nor discriminated against because he or she filed such a complaint.

B. Any employee of the department who is presented with an allegation of racial 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 channels or direct the individual(s) to contact the Chief of University Police or his designee.

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 immediately report any allegation of racial profiling to their supervisor before the end of their shift.

C. Investigations 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 their complaint. Such dispositions should be made within a reasonable period of time. The investigative process shall be reduced to writing and any reviewer's comments or conclusions shall be filed with the Chief of Police. When applicable, findings and/or suggestions for disciplinary action, retraining, or changes in policy shall be filed with the Chief of Police.

D. If a racial profiling complaint is sustained against an officer, it will result in appropriate corrective and disciplinary action, up to and including termination from the department.

E. If there is a departmental video or audio recording of the events, upon which the complaint of racial profiling is based, the officer may request, in writing, a copy of the recording. Such a written request should be made to the Chief of Police or their designee.



**ANGELO STATE UNIVERSITY
POLICE DEPARTMENT**

ASU Station #11012
San Angelo, Texas 76909-1012
Phone: (325) 942-2071
Fax: (325) 942-2279
Email: police@angelo.edu

PERSONNEL COMPLAINT FORM

Complainant's Section:

Last Name First Name Middle Initial

Street Address City/State Zip Code Phone No.

Location Where Alleged Incident(s) occurred: Date of Incident(s) Time of Incident(s)

Do you desire a written response? YES NO

Do you wish to know the final disposition of your complaint? YES NO

Are you alleging any racial profiling as part of your complainant? YES NO

If someone was arrested, fill out the section below:

Last Name (Arrested Person) First Name Middle Initial

Street Address City/State Zip Code Phone No.

Indicate your relationship to the arrested person: _____

Witness or Witnesses- If any:

Name of Witness Address of Witness Phone No.

Name of Witness Address of Witness Phone No.

Name of Witness Address of Witness Phone No.

Clearly Describe the Nature of Your Complaint:

Signature Section:

Signature of Complainant

Date

Complaint Received By: _____

Name

Date

Government Code: 614.022-023 Complaints Against Law Enforcement Officers

In order for a complaint, against a law enforcement officer in the State of Texas, to be considered by a chief or the head of a police department, the complaint must be placed in writing and signed by the person making the complaint.

A copy of the signed complaint must be presented to the affected officer or employee within a reasonable amount of time after the complaint is filed and before any disciplinary action may be taken against the affected employee.

4.09.06 Public Education:

The University Police Department will inform the public of its policy prohibiting racial profiling and the complaint process. Methods that may be utilized to inform the public include news media, radio, public presentations, the Internet, as well as any other appropriate governing board meetings. Additionally, information will be made available, as appropriate, in languages other than English.

4.09.07 Citation Data Collection and Reporting:

An officer is required to collect information related to traffic stops in which a citation is issued. On the citation, officers must include:

1. Violators race or ethnicity;
2. Whether a search was conducted;
3. Whether the search was consensual;
4. Whether an arrest was made as a result of the search.

By March of each year, the department shall submit a written report to the appropriate Vice President that includes the information gathered by the citations. The report shall include:

1. Breakdown of contacts by race or ethnicity;
2. Breakdown of citations issued by race or ethnicity;
3. Number of warnings issued by race or ethnicity;
4. Number of searches made by race or ethnicity;
5. Number of arrests made subsequent to a search

No later than March 31st of each year, this department shall submit a report to the Vice President for Finance and Administration at Angelo State. The submitted report will then be forwarded to the Texas Tech University System or its Board of Regents containing this information from the preceding calendar year.

4.09.08 Collection and Reporting of Information:

An officer who stops a motor vehicle for an alleged violation of a 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's best judgment.
2. The street address or approximate location of the stop.
3. The suspected offense or traffic violation.
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 contraband was discovered in the course of the search and, if so, a statement of the offense charged.

6. Whether the officer issued a warning or a citation as a result of the stop and, if so, a statement of the offense charged.

This department shall compile and analyze the information contained in these individual reports. No later than March 31st of each year, this department shall submit a report to the Texas Tech University System or its Board of Regents containing the information compiled from the preceding calendar year in a manner they approve. This report shall include:

1. A comparative analysis of the information contained in the individual reports in order to:
 - a. Determine the prevalence of racial 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 the number of complaints filed with this department alleging racial profiling.

The annual 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.

Racial Profile Training of University Officers

Racial Profiling Training

Since 2002, university officers have been instructed, as specified in the Texas Racial Profiling Law, 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. To date, all sworn officers of the University Police Department have completed the TCLEOSE basic training on racial profiling. The main outline used to train the officers of the University Police Department has been included in this report.

It is important to recognize that the Chief of the University Police Department has also met the training requirements, as specified by the Texas Racial Profiling Law, in the completion of the LEMIT program on racial profiling. The satisfactory completion of the racial profiling training by the sworn personnel of the University Police Department fulfills the training requirement as specified in the Education Code (96.641) of the Texas Racial Profiling Law.

Racial Profiling Course 3256

1.0 RACIAL PROFILING AND THE LAW

1.1 UNIT GOAL: The student will be able to identify the legal aspects of racial profiling.

1.1.1 LEARNING OBJECTIVE: The student will be able to identify the legislative requirements placed upon peace officers and law enforcement agencies regarding racial profiling.

Racial Profiling Requirements:

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 stop	CCP 2.133
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	Occupations Code 1701.402
Definition of "race or ethnicity" for form	Transportation Code 543.202

- A. Written departmental policies
 - 1. Definition of what constitutes racial profiling
 - 2. Prohibition of racial profiling
 - 3. Complaint process
 - 4. Public education
 - 5. Corrective action
 - 6. Collection of traffic-stop statistics
 - 7. 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
 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) – see legislation 77R-SB1074

1.1.2 LEARNING OBJECTIVE: The student will become familiar with Supreme Court decisions and other court decisions involving appropriate actions in traffic stops.

- A. Whren v. United States, 517 U.S. 806, 116 S.Ct. 1769 (1996)
1. Motor vehicle search exemption
 2. Traffic violation acceptable as pretext for further investigation
 3. Selective enforcement can be challenged
- B. Terry v. Ohio, 392 U.S. 1, 88 S.Ct. 1868 (1968)
1. Stop & Frisk doctrine
 2. Stopping and briefly detaining a person
 3. Frisk and pat down
- C. Other cases
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)

2.0 RACIAL PROFILING AND THE COMMUNITY

2.1 UNIT GOAL: The student will be able to identify logical and social arguments against racial profiling.

2.1.1 LEARNING OBJECTIVE: The student will be able to identify logical and social arguments against racial profiling.

- 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.
- 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 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.

3.0 RACIAL PROFILING VERSUS REASONABLE SUSPICION

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

3.1.1 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.)

3.1.2 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.

3.1.3 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.
 - 3. Driver begins using a car or cell phone when signaled to stop.
 - 4. Unusual pull-over behavior (ignores signals, hesitates, pulls onto new street, moves objects in car, etc.)
- D. Vehicle interior
 - 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.)

Resources

Proactive Field Stops Training Unit – Instructor's Guide, Maryland Police and Correctional Training Commissions, 2001. (See Appendix A.)

Web address for legislation 77R-SB1074:

<http://tlo2.tlc.state.tx.us/tlo/77r/billtext/SB01074F.htm>

Five Year Traffic Contact Data

Five Year Demographical Analysis of University Police Contacts

The Angelo State University Police Department, in accordance with the Racial Profiling Law (S.B. No. 1074), collects data on all police officer contacts. The collected information is designed to track and identify any concerns regarding racial profiling.

Table 1. General Demographics of Contacts and Searches (2006)

Race / Ethnicity *	Contacts	Citations *	Warnings
White	408 (65.9%)	197	189
Black	64 (10.3%)	25	33
Hispanic	144 (23.3%)	77	62
Native American	1 (0.2%)	0	1
Asian	2 (0.3%)	0	2
Total:	619	299	287

Searches Conducted	40
Searches Consented	**
Arrested	40

Race/ Ethnicity	2006 Demographics
White	4243 (67.7%)
Black	387 (6.2%)
Hispanic	1454 (23.2%)
Native American	44 (0.7%)
Asian	81 (1.3%)
International	56 (0.9%)
Total	6265

* **Race/Ethnicity** defined by Senate Bill 1074 as being of a "particular descent, including Caucasian, African, Hispanic, Asian, or Native American"

***Citation** – violations as a result of criminal or traffic laws.

****Searches Consented** – Not tracked for reporting period 2006

Table 2. General Demographics of Contacts and Searches (2007)

Race / Ethnicity *	Contacts	Citations *	Warnings
White	413 (68.9%)	179	236
Black	58 (9.7%)	18	28
Hispanic	127 (21.2%)	49	75
Native American	0	0	0
Asian	1 (0.2%)	0	0
Total:	599	246	349

Searches Conducted	56
Searches Consented	**
Arrested	35

Race/ Ethnicity	2007 Demographics
White	4164 (67.3%)
Black	400 (6.5%)
Hispanic	1443 (23.3%)
Native American	40 (0.6%)
Asian	75 (1.2%)
International	62 (1.0%)
Total	6184

* **Race/Ethnicity** defined by Senate Bill 1074 as being of a "particular descent, including Caucasian, African, Hispanic, Asian, or Native American"

***Citation** – violations as a result of criminal or traffic laws.

****Searches Consented** – Not tracked for reporting period 2007

Table 3. General Demographics of Contacts and Searches (2008)

Race / Ethnicity *	Contacts	Citations *	Warnings
White	430 (69.7%)	285	227
Black	39 (6.3%)	19	20
Hispanic	146 (23.7%)	99	53
Native American	0	0	0
Asian	2 (0.3%)	1	1
Total:	617	404	301

Race/ Ethnicity	2008 Demographics
White	4066 (66.1%)
Black	467 (7.6%)
Hispanic	1429 (23.2%)
Native American	41 (0.7%)
Asian	84 (1.4%)
International	56 (0.9%)
Unknown	12 (0.2%)
Total	6155

Searches Conducted	40
Searches Consented	**
Arrested	38

* **Race/Ethnicity** defined by Senate Bill 1074 as being of a "particular descent, including Caucasian, African, Hispanic, Asian, or Native American"

***Citation** – violations as a result of criminal or traffic laws.

****Searches Consented** – Not tracked for reporting period 2008

Table 4. General Demographics of Contacts and Searches (2009)

Race / Ethnicity *	Contacts	Citations *	Warnings
White	524 (62.8%)	210	315
Black	86 (10.3%)	35	50
Hispanic	219 (26.3%)	93	124
Native American	0	0	0
Asian	5 (0.6%)	1	4
Total:	834	339	493

Race/ Ethnicity	2009 Demographics
White	4142 (64.8%)
Black	488 (7.6%)
Hispanic	1544 (24.2%)
Native American	37 (0.6%)
Asian	115 (1.8%)
International	56 (0.9%)
Unknown	5 (0.1%)
Total	6387

Searches Conducted	58
Searches Consented	
Arrested	53

* **Race/Ethnicity** defined by Senate Bill 1074 as being of a "particular descent, including Caucasian, African, Hispanic, Asian, or Native American"

***Citation** – violations as a result of criminal or traffic laws.

****Searches Consented** – Not tracked for reporting period 2009

Table 5. General Demographics of Contacts and Searches (2010)

Race / Ethnicity *	Contacts	Citations *	Warnings
White	301 (59.7%)	142	159
Black	67 (13.3%)	39	28
Hispanic	134 (26.6%)	69	65
Native American	0	0	0
Asian	2 (.3%)	1	1
Middle Eastern	0	0	0
Total:	504	251	253

Searches Conducted	19
Searches Consented	9
Arrested	16

Race/ Ethnicity	2010 Demographics
White	4302 (62.8%)
Black	562 (8.2%)
Hispanic	1711 (25.0%)
Native American	43 (0.6%)
Asian	96 (1.4%)
Pacific Islander	3 (0.1%)
International	62 (0.9%)
Two + Races	38 (0.5%)
Unknown	39 (0.6%)
Total	6856

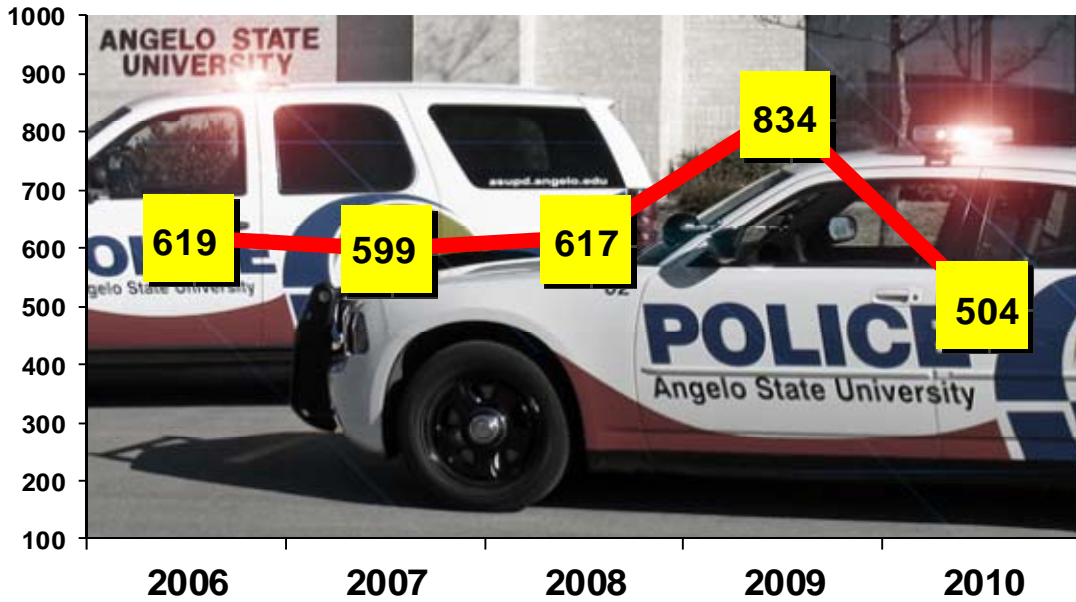
* **Race/Ethnicity** defined by Senate Bill 1074 as being of a "particular descent, including Caucasian, African, Hispanic, Asian, Native American, or Middle Eastern"

***Citation** – violations as a result of criminal or traffic laws.

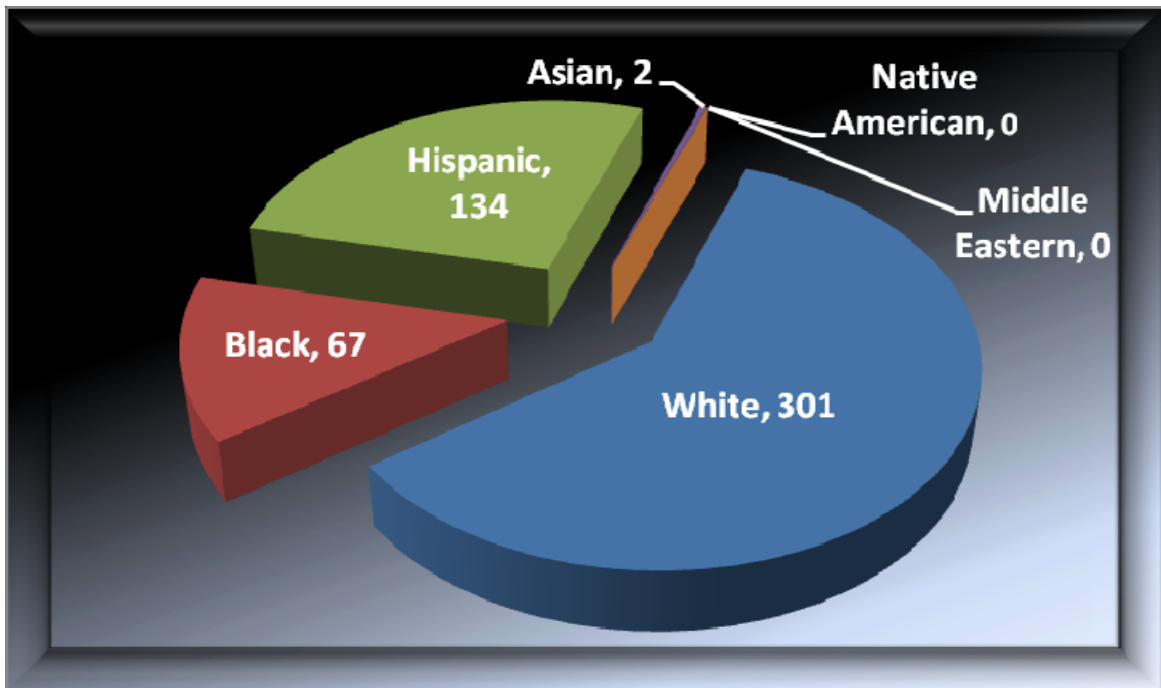
2010 Graphical Charts

2010 GRAPHICAL CHARTS

Five Year Traffic Contacts by University Police

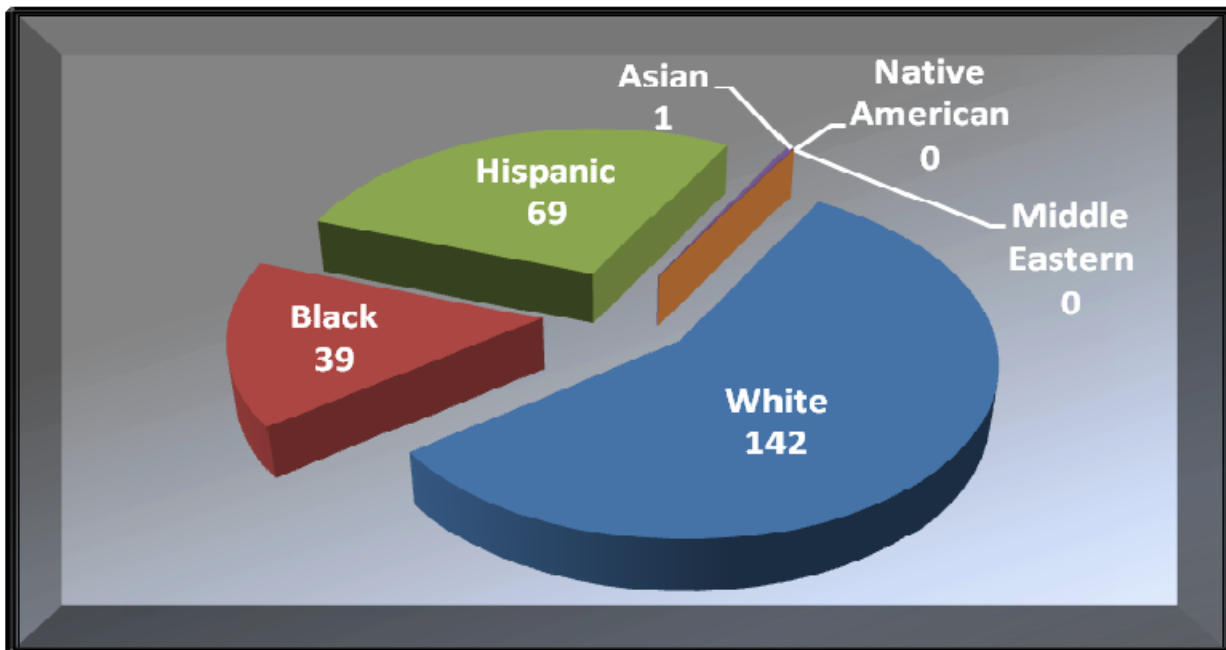


2010 Contacts by Race/Ethnicity

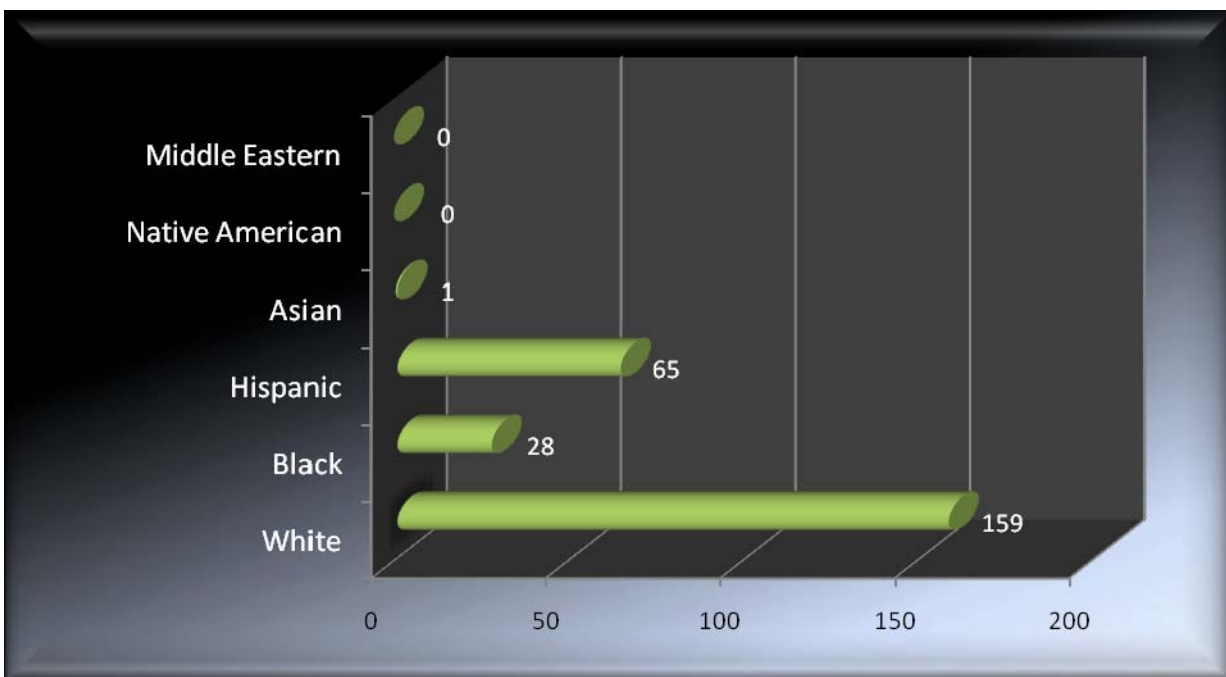


2010 GRAPHICAL CHARTS

2010 CITATIONS ISSUED BY RACE/ETHNICITY



2010 SUMMARY OF WARNINGS ISSUED BY RACE/ETHNICITY



Summary of Data (2010)

The diversity of a university campus must be considered when evaluating the statistical data contained in this report. The racial composition of a campus may vary from semester to semester. In addition, special attention should be given to the fluid nature of the university area as individuals navigate the local streets running through and adjacent to the campus. University officers frequently have contact with individuals not associated with the university. University officers only record data on traffic stops initiated by the officer. All officers are required to video record every traffic stop.

The number of officer initiated contacts fell by 330 over the numbers recorded in 2009. The 2010 officer initiated contacts by race and ethnicity remained relatively consistent to contact percentages recorded in 2009. The decrease in officer contacts is attributed to the department's focus on other patrol related functions and sporadic changes in staffing levels.

In comparing to 2009, the percentage of officer contacts with Whites fell by 3.1%. Officer contacts with Blacks rose 3% while Hispanic contacts remained virtually unchanged. Contacts among other races also remained comparative to previous years.

The information provided in this report serves as evidence the University Police Department has, once again, complied with the Texas Racial Profiling Law.

There were no racial profiling complaints filed with University Police during the 2010 reporting period.

**Community Profile:
San Angelo, Texas**



San Angelo, Texas

2010 Community Profile

SAN ANGELO
Chamber of Commerce

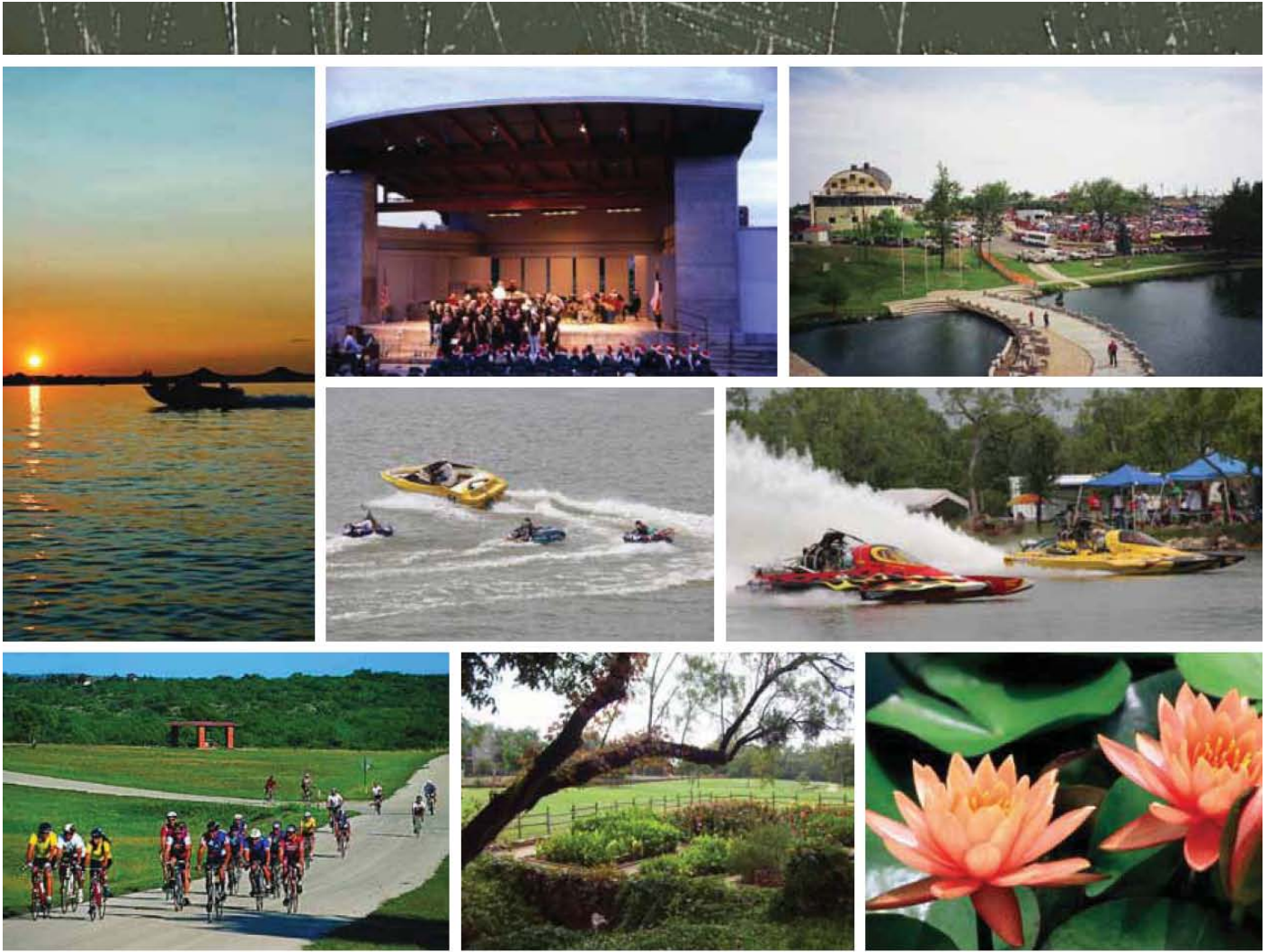
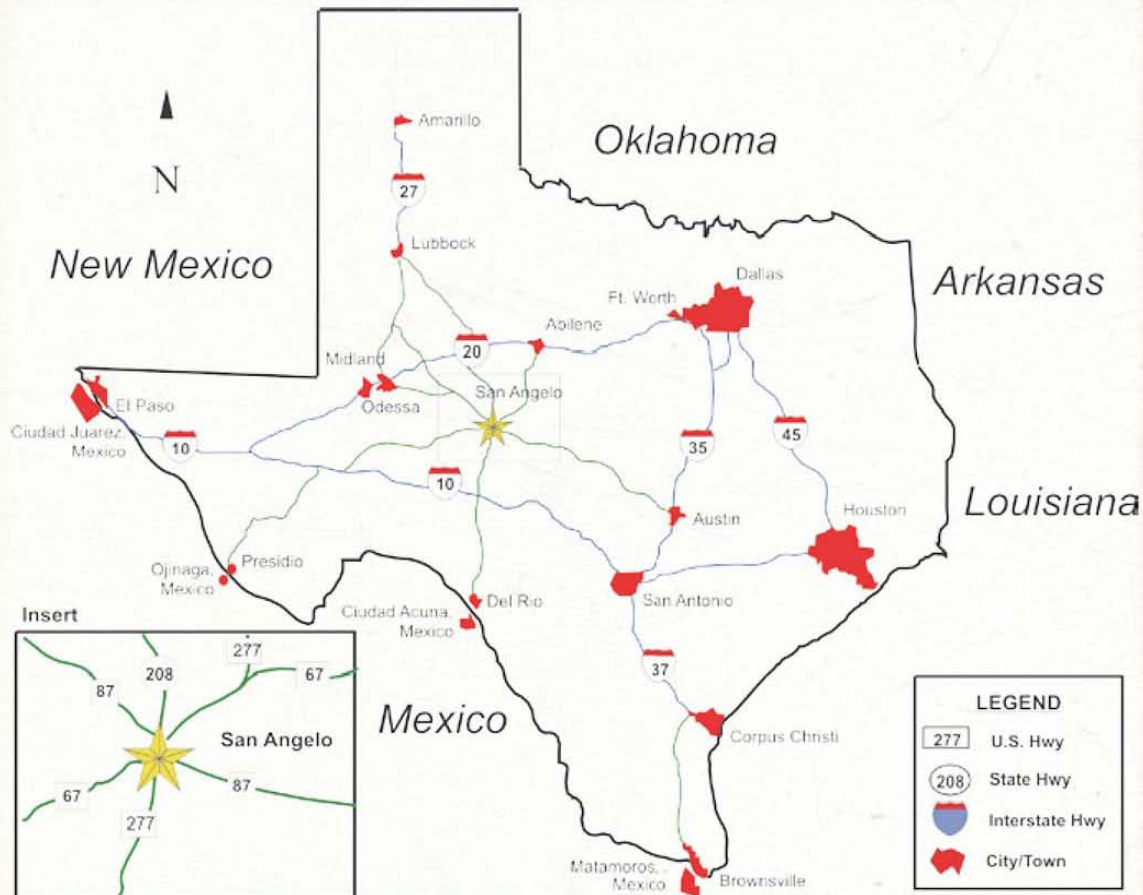


table of contents

- 3] Location
- 4] Population Characteristics
- 5] Largest Employers
- 6] Selected Hourly Wage Rates
- 7] Taxes
- 8] Business Location Incentives
- 9] Utilities
- 10] Transportation
- 11] Workforce Trends
- 12] Economic Trends
- 13] Manufacturers
- 17] Quality of Life



The City of San Angelo covers 58.61 square miles, and Tom Green County covers 1,540.05 square miles. We are located at Latitude 31.22 N and Longitude 100.30 W in West Central Texas between the Texas hill country to the southeast and the rolling plains to the northwest. San Angelo is located between U.S. Interstate Highways I-10 and I-20. I-10 is 64 miles south of San Angelo, and depending on the route taken, it is approximately 70-90 miles to I-20. Other major highways connecting to San Angelo include U.S. Highways 67, 87, and 277. The mileages to major cities are:

Texas

Abilene	91	El Paso	418
Amarillo	298	Houston	367
Austin	207	Midland-Odessa	132
Corpus Christi	363	San Antonio	218
Dallas/Ft. Worth	259	Wichita Falls	234

Out-of-State

Albuquerque	504	New Orleans	723
Atlanta	1,054	New York	1,860
Chicago	1,180	Oklahoma City	379
Denver	721	Phoenix	818
Indianapolis	1,124	Ciudad Acuña, Mex.	155
Jacksonville	1,144	Mexico City, Mex.	1,078
Los Angeles	1,208	Monterrey Mex.	466

Population Characteristics

2008 American Community Survey Estimates, U.S. Census Bureau

City of San Angelo: 91,880
Tom Green County: 107,864

2000 U.S. Census Population

City of San Angelo: 88,474
Tom Green County: 104,010

Tom Green County Population Breakdown

By Gender

Age	Females	Males	Total	Percentage
Under 5	3,682	3,450	7,132	7%
5-17	10,165	9,527	19,692	19%
18-24	7,063	6,603	13,666	13%
25-45	14,518	13,617	28,135	27%
45-54	6,588	6,178	12,766	12%
55-64	4,463	4,187	8,650	8%
64 and over	7,208	6,761	13,969	14%
Total	53,687	50,323	104,010	100%

Source: U.S. Census Bureau

2000 Tom Green County Population Breakdown & 2007 Estimate

By Ethnicity

Ethnicity	2000 Population	2007 Population Estimate	2000 Percentage	2007 Percentage Estimate
White	65,508	63,246	63%	59%
Hispanic	31,946	36,152	31%	34%
African American	4,122	4,093	4%	4%
Other	2,434	2,851	2%	3%

Source: U.S. Census Bureau

2000 U.S. Census Population & 2008 Estimate

San Angelo Trade Area

County	2000 Population	2008 Estimate
Coke	3,864	3,480
Concho	3,966	3,610
Crockett	4,099	3,802
Irion	1,771	1,699
Kimble	4,468	4,432
Mason	3,738	3,882
McCulloch	8,205	7,943
Menard	2,360	2,138
Reagan	3,326	3,086
Runnels	11,495	10,273
Schleicher	2,935	2,819
Sterling	1,393	1,257
Sutton	4,077	4,270
Tom Green	104,010	107,864
Totals	159,707	160,555

Source: U.S. Census Bureau