

ANGELO STATE UNIVERSITY

MEMBER, TEXAS TECH UNIVERSITY SYSTEM

2019 Annual Traffic Contact and Comparative Report



As required by Texas Code of Criminal Procedure, Chapter 2: Article 2.134

Angelo State University

Police Department

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James Adams
Director of Public Safety
Chief of Police

February 2020



ANGELO STATE UNIVERSITY

University Police

February 24, 2020

MEMORANDUM

TO: Angie Wright
Vice President for Finance and Administration

FROM: James Adams 
Director of Public Safety/Chief of Police

RE: 2019 Annual Traffic Contact Report

The Angelo State University Police Department, in accordance with the Texas Racial Profiling Law (SB No. 1074), Art. 2.134 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 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.

The final components of this report provide statistical data relevant to the public contacts made during the period of 1/1/2019 and 12/31/2019. 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.

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TEXAS LAW ON RACIAL PROFILING

Chapter 2, Code of Criminal Procedure

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 the following categories:
 - (A) Alaska native or American Indian;
 - (B) Asian or Pacific Islander;
 - (C) black;
 - (D) white; and
 - (E) Hispanic or Latino.

(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 compliment and complaint process, including providing the telephone number, mailing address, and e-mail address to make a compliment or complaint with respect to each ticket, citation, or warning issued by a peace officer;
- (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 ticket, citation, or warning 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;

(C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual;

(D) whether the peace officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code, during the stop;

(E) the location of the stop; and

(F) the reason for the stop; 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 Texas 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.

(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. The agency also shall examine the feasibility of equipping each peace officer who regularly detains or stops motor vehicles with a body worn camera, as that term is defined by Section 1701.651, Occupations Code. If a law enforcement agency installs video or audio equipment or equips peace officers with body worn cameras 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 Texas Commission on Law Enforcement 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.

(h) A law enforcement agency shall review the data collected under Subsection (b) (6) to identify any improvements the agency could make in its practices and policies regarding motor vehicle stops.

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

Amended by: Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 25, eff. September 1, 2009.

Acts 2013, 83rd Leg., R.S., Ch. 93 (S.B. 686), Sec. 2.05, eff. May 18, 2013.

Acts 2017, 85th Leg., R.S., Ch. 173 (H.B. 3051), Sec. 1, eff. September 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 950 (S.B. 1849), Sec. 5.01, eff. September 1, 2017.

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;

(8) whether the officer issued a verbal or written warning or a ticket or citation as a result of the stop; and

(9) whether the officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code, during the stop.

(c) The chief administrator of a law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, is responsible for auditing reports under Subsection (b) to ensure that the race or ethnicity of the person operating the motor vehicle is being reported.

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

Amended by: Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 26, eff. September 1, 2009.

Acts 2017, 85th Leg., R.S., Ch. 950 (S.B. 1849), Sec. 5.02, eff. September 1, 2017.

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 Texas Commission on Law Enforcement 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;

(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

(C) evaluate and compare the number of searches resulting from motor vehicle stops within the applicable jurisdiction and whether contraband or other evidence was discovered in the course of those searches; 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 Texas Commission on Law Enforcement, 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 Texas Commission on Law Enforcement 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 (H.B. 3389), Sec. 27, eff. September 1, 2009.

Acts 2013, 83rd Leg., R.S., Ch. 93 (S.B. 686), Sec. 2.06, eff. May 18, 2013.

Acts 2017, 85th Leg., R.S., Ch. 950 (S.B. 1849), Sec. 5.03, eff. September 1, 2017.

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 in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras, 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 in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras. 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 in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras, 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 in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras, 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 taken the necessary actions to use and is using video and audio equipment and body worn cameras for those purposes.

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

Amended by: Acts 2017, 85th Leg., R.S., Ch. 950 (S.B. 1849), Sec. 5.04, eff. September 1, 2017.

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 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.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 752 (H.B. 1888), Sec. 39, eff. January 1, 2016.

Acts 2017, 85th Leg., R.S., Ch. 173 (H.B. 3051), Sec. 2, eff. September 1, 2017.

DEPARTMENT POLICY MANUAL ON RACIAL PROFILING

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.

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.

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.

Department Training:

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

All officers shall complete a TCOLE 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 TCOLE intermediate proficiency certificate, or who had held a peace officer license issued by TCOLE for at least two years, shall complete a TCOLE training and 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.

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
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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.

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.

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.

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. 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.

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

Since 2002, university officers have been instructed, as specified in the Texas Racial Profiling Law, to adhere to all Texas Commission on Law Enforcement (TCOLE) training and the Law Enforcement Management Institute of Texas (LEMIT) requirements. To date, all sworn officers of the University Police Department have completed the TCOLE 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.)

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 (2015)

Race/Ethnicity*	Contacts	Citations*	Warnings
White	319 (57.6%)	113	206
Black	71 (12.8%)	29	42
Hispanic	152 (27.4%)	68	84
Native American	2 (.4%)	1	1
Asian	9 (1.6%)	5	4
Middle Eastern	1 (.2%)	0	1
Total	554	216	338

Searches Conducted	34
Searches Consented	5
Arrested	42

Race/Ethnicity*	2015 Demographics
White	4630 (54.4%)
Black	540 (6.3%)
Hispanic	2555 (30.0%)
American Indian/ Alaskan Native	31 (0.4%)
Asian	101 (1.2%)
Native Hawaiian or Other Pacific Islander	9 (0.1%)
International	244 (2.9%)
Two+Races	209 (2.5%)
Unknown	186 (2.2%)
Total	8505

Table 2. General Demographics of Contacts and Searches (2016)

Race/Ethnicity*	Contacts	Citations*	Warnings
White	637	217	420
Black	94	31	63
Hispanic	316	127	189
Native American	1	1	0
Asian	14	2	12
Middle Eastern	2	1	1
Total	1064	379	685

Searches Conducted	21
Searches Consented	4
Arrested	38

Race/Ethnicity*	2016 Demographics
White	5125 (53.5%)
Black	662 (6.9%)
Hispanic	2892 (30.2%)
American Indian/ Alaskan Native	40 (0.4%)
Asian	123 (1.3%)
Native Hawaiian or Other Pacific Islander	8 (0.1%)
International	262 (2.7%)
Two+Races	240 (2.5%)
Unknown	229 (2.4%)
Total	9581

Table 3. General Demographics of Contacts and Searches (2017)

Race/Ethnicity*	Contacts	Citations*	Warnings
White	564	154	410
Black	134	46	88
Hispanic	307	111	196
Native American	2	0	2
Asian	20	4	16
Middle Eastern	1	0	1
Total	1028	315	713

Race/Ethnicity*	2017 Demographics
White	5501 (52.8%)
Black	652 (6.3%)
Hispanic	3390 (32.5%)
American Indian/ Alaskan Native	50 (0.5%)
Asian	152 (1.3%)
Native Hawaiian or Other Pacific Islander	12 (0.1%)
International	234 (2.2%)
Two+Races	264 (2.5%)
Unknown	162 (1.6%)
Total	10,417

Searches Conducted	30
Searches Consented	6
Arrested	30

Table 4. General Demographics of Contacts and Searches (2018)

Race/Ethnicity*	Contacts
White	270
Black	68
Hispanic	178
American Indian/ Alaska Native	1
Asian/Pacific Islander	11
Total	528

Race/Ethnicity*	2018 Demographics
White	5390 (51.9%)
Black	654 (6.3%)
Hispanic	3532 (34%)
American Indian/ Alaskan Native	40 (0.4%)
Asian	156 (1.5%)
International	255 (2.5%)
Native Hawaiian/Other Pacific Islander	18 (0.2%)
Two+Races	308 (3%)
Unknown	34 (.29%)
Total	10,387

Searches Conducted	25
Searches Consented	3
Arrested	7

Table 5. General Demographics of Contacts and Searches (2019)

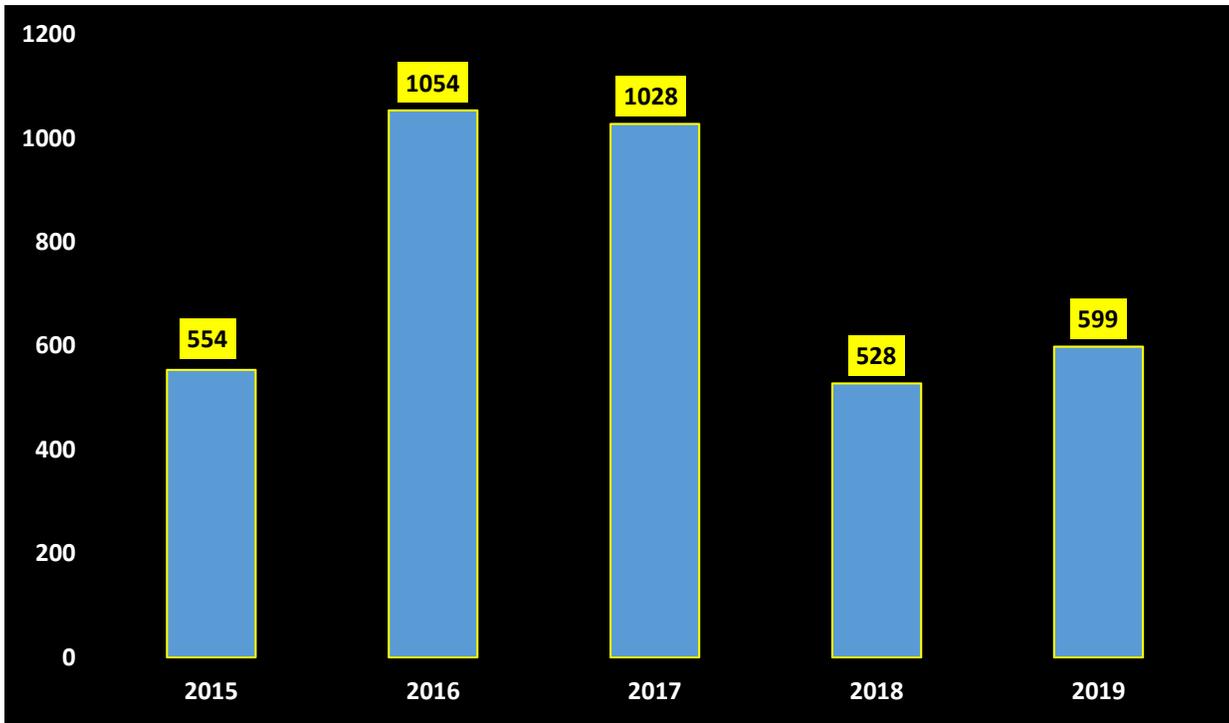
Race/Ethnicity*	Contacts
White	313
Black	97
Hispanic	177
American Indian/ Alaska Native	2
Asian/Pacific Islander	10
Total	599

Searches Conducted	34
Searches Consented	7
Arrested	25

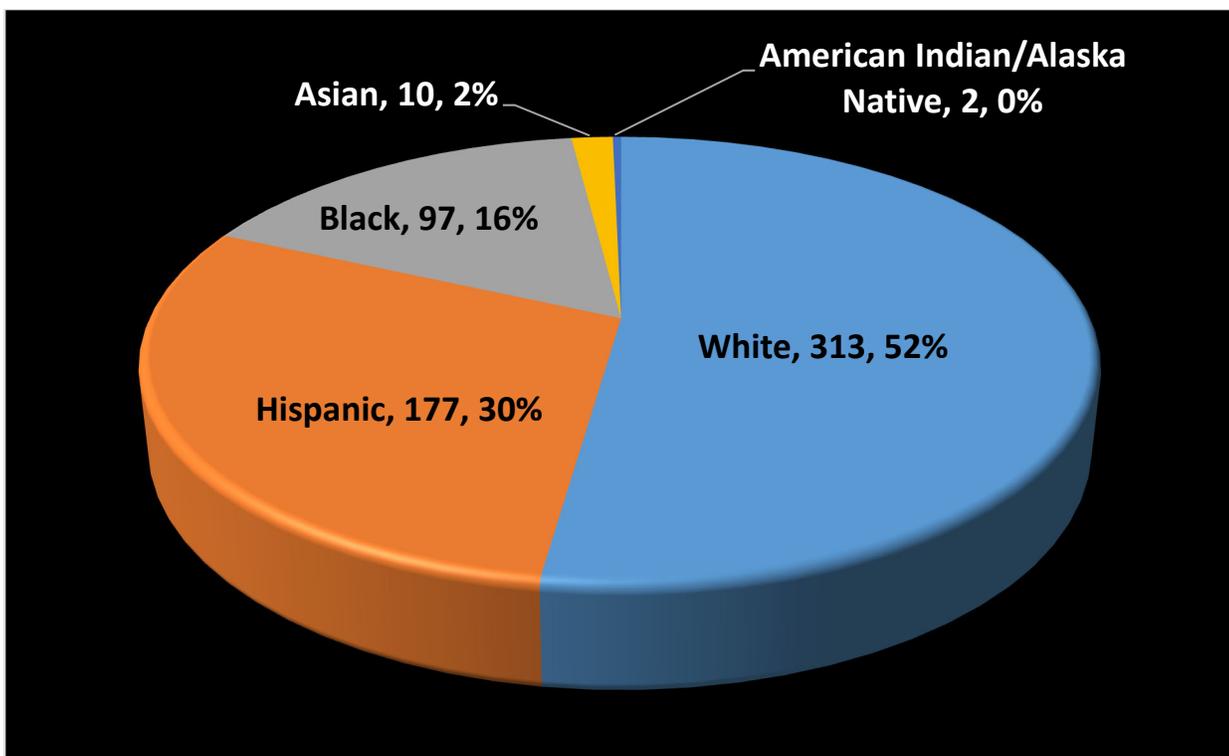
Race/Ethnicity*	2019 Demographics
White	4836 (45.8%)
Black	625 (5.9%)
Hispanic	4224 (39.9%)
American Indian/ Alaskan Native	38 (0.4%)
Asian	148 (1.4%)
International	244 (2.3%)
Native Hawaiian/Other Pacific Islander	9 (0.1%)
Two+Races	409 (3.9%)
Unknown	35 (0.3%)
Total	10,568

2019 GRAPHICAL CHARTS

FIVE YEAR TRAFFIC CONTACTS BY UNIVERSITY POLICE



2019 CONTACTS BY RACE/ETHNICITY



SUMMARY OF DATA (2019)

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 total number of officer-initiated contacts in 2019 remained consistent with the previous year. This was the result of manpower issues and less of a focus on traffic enforcement off the campus proper.

In 2019, the percentage number of officer contacts with Whites increased by 1.2%. Officer contacts with Hispanics decreased by 4.2%, while contacts with Blacks increased slightly by 3.3%. Asian and American Indian/Alaska Native remained unchanged.

The information provided in this report serves as evidence the University Police Department has, once again, complied with the Texas racial profiling law and accurately recorded the race and ethnicity of all officer-initiated contacts.

Overall, the data suggests that the Angelo State University Police Department does not currently experience a problem regarding racial profiling practices. This is supported by the fact that it has not received any complaints from the community members regarding officers misconduct associated with racial profiling practices.

The continuing effort to collect police contact data will assure an on-going evaluation of the police department's practices. Thus, allowing for the citizens of the university community to benefit from professional and courteous service from their police department.